

this action must be filed in the United States Court of Appeals for the appropriate circuit by April 24, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, Volatile organic compounds.

Note: Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of **Federal Register** on July 1, 1982.

Dated: January 9, 1995.

Chuck Clarke,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c) (50) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(50) By a letter dated December 29, 1993, the Director of WDOE submitted to the Regional Administrator of EPA a revision to the Washington SIP updating the regulations from the Northwest Air Pollution Authority.

(i) Incorporation by reference.

(A) The December 29, 1993 letter from the Director of the Washington State Department of Ecology submitting the Northwest Air Pollution Authority Regulations as a revision to the Washington SIP.

(B) Regulations of the Northwest Air Pollution Authority—sections 100, 101, 102, 103, 104.1, 105, 106, 110, 111, 112, 113, 114, 120, 121, 122, 123, 124, 130, 131, 132, 133, 134, 135, 140, 145, 150, 180, 200, 300, 301, 302, 303, 310, 320, 321, 322, 323, 324, 325, 340, 341, 342, 360, 365, 366, 400, 401, 410, 420, 421, 424, 450, 451, 452 (except for 452.5.), 455, 458, 460, 462, 466, 510, 520, 550,

560, and 580, effective on September 8, 1993.

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40 CFR Part 180

[OPP-300366A; FRL-4925-1]

RIN 2070-AB78

Pesticide Tolerances for 2,3-Dihydro-2,2-Dimethyl-7-Benzofuranyl-N-Methylcarbamate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a time-limited tolerance for residues of the insecticide 2,3-dihydro-2,2-dimethyl-7-benzofuranyl-N-methylcarbamate (common name “carbofuran”) and its metabolites in or on canola at 1.0 part per million (ppm) with an expiration date of 2 years after the beginning of the effective date of the rule. EPA is issuing this rule on its own initiative.

EFFECTIVE DATE: This regulation becomes effective February 22, 1995.

ADDRESSES: Written objections, identified by the document control number, [OPP-300366A], 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: Dennis H. Edwards, Jr., Product Manager (PM) 19, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6386.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 8, 1994

(59 FR 55605), EPA issued a proposed rule that gave notice that on its own initiative and under section 408(e) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(e), it proposed a time-limited tolerance for the residues of carbofuran and its metabolites in or on canola at 1.0 ppm. EPA proposed a tolerance because State registrations for the use of carbofuran on canola exist. However, because of EPA’s continuing concern for the risk to birds posed by carbofuran use, the Agency is limiting the number of States in which granular carbofuran may be used on canola, and may take regulatory action in the near future to further restrict carbofuran use. Additional registrations will not be permitted until EPA has reached a decision on whether the canola use poses unreasonable risks to birds and wildlife and whether additional restrictions are necessary. The Agency intends to conduct the necessary risk and benefit assessments and anticipates a decision before the 1996 use season.

There are three Special Local Need registrations under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136v(c). Registrations associated with this time-limited tolerance will be regionally restricted to Idaho, Minnesota, Montana, North Dakota, and Washington.

The use of granular carbofuran under this tolerance will be limited to the 1995 growing season because additional residue data have to be submitted for the Agency to make its determination that the tolerance will be protective of the public health. As discussed in the proposed rule, the reference dose is exceeded for nonnursing infants and children ages 1 to 6 if it is assumed that all canola will contain tolerance level residues. EPA believes this assumption overstates the risk. EPA has requested additional data to confirm its view that the risk estimate is overstated. The Interregional Research Project No. 4 (IR-4) is currently conducting residue trials in the U.S. and plans to submit a petition for a permanent tolerance in the spring. EPA will not establish a permanent tolerance until it has received and evaluated the residue data.

Over 100 comments were received in response to the proposed rule. All were in support of establishing the tolerance.

The data submitted on 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 time-limited tolerance will protect the public health. Therefore, the time-limited 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 and the relief sought (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).

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: February 14, 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 § 180.254, by adding new paragraph (c), to read as follows:

§ 180.254 2,3-Dihydro-2,2-dimethyl-7-benzofuranyl-N-methylcarbamate; tolerances for residues.

* * * * *

(c) A time-limited tolerance, to expire on February 22, 1997, with regional registration, as defined in § 180.1(n), is established for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-N-methylcarbamate), its carbamate metabolite, 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the following raw agricultural commodity:

Commodity	Parts per million
Canola (of which no more than 0.2 ppm is carbamate)	1.0

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40 CFR Part 180

[OPP-300372A; FRL-4933-5]
RIN 2070-AB78

Acrylamide-Potassium Acrylate-Acrylic Acid Copolymer, Crosslinked; 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 acrylamide-potassium acrylate-acrylic acid copolymer, crosslinked (CAS Reg. No. 31212-13-2) when used as an inert ingredient (carrier) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. Kelly Products, Inc., requested this rule.

EFFECTIVE DATE: This regulation becomes effective February 22, 1995.

ADDRESSES: Written objections, identified by the document control number, [OPP-300372A], 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 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: Connie Welch, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Westfield Building North, 6th Fl., 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8320.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 30, 1994 (59 FR 61302), EPA issued a proposed