

* * * * *

[FR Doc. 95-4304 Filed 2-16-95; 2:39 pm]
BILLING CODE 6560-50-F

40 CFR Part 180

[PP 3F4169 and FAP 3H5655/R2090; FRL-4937-3]

RIN 2070-AB78

Pesticide Tolerance for Imidacloprid; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Technical amendment.

SUMMARY: EPA is issuing a technical amendment to a final rule on the insecticide imidacloprid (1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine) and its metabolites to designate the tolerance for hops as a time-limited tolerance and to correct a typographical error in an expiration date for a tolerance for cottonseed.

EFFECTIVE DATE: February 22, 1995.

FOR FURTHER INFORMATION CONTACT: Dennis H. Edwards, Product Manager (PM 19), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-3686.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 30, 1994 (59 FR 61278), EPA revised 40 CFR 180.472 and removed the time-limited designation for commodities listed in paragraph (a). The listing "Hops, dried" at 3.0 ppm inadvertently was left in paragraph (a) in the new list of commodities without a time-limited designation, but hops should have retained the time-limited designation, June 28, 1995, and been moved to a new paragraph. EPA is rectifying this oversight by designating the time-limited tolerance for hops in new paragraph (d) under 40 CFR 180.472. Also, in the November 30, 1994 document (59 FR 61278), a typographical error in 40 CFR 180.472(b), i.e., the November 17, 1994 time-limited designation, is corrected to read "November 17, 1996". The November 17, 1996 expiration date was specified in the preamble of the document, and its is correctly stated in the time-limited tolerance for cottonseed meal in 40 CFR 186.900(b) in the same document.

This document contains corrections and technical amendments only and

does not require notice and comment, 5 U.S.C. 553.

List of Subjects in 40 CFR Part 180

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

Dated: February 10, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, a technical amendment is made to 40 CFR part 180 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 § 180.472, by amending paragraph (a) in the table therein by removing the listing "Hops, dried", by amending paragraph (b) in the introductory text by changing the date "November 17, 1994" to read "November 17, 1996", and by adding new paragraph (d), to read as follows:

§ 180.472 1-[(6-Chloro-3-pyridinyl) methyl]-N-nitro-2-imidazolidinimine; tolerances for residues.

* * * * *

(d) A time-limited tolerance, to expire June 28, 1995, is established permitting residues of the insecticide 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine and its metabolites containing the 6-chloropyridinyl moiety, all expressed as 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine, in or on the following raw agricultural commodity:

Commodity	Parts per million
Hops, dried	3.0

[FR Doc. 95-4184 Filed 2-21-95; 8:45 a.m.]

BILLING CODE 6560-50-F

40 CFR Parts 180, 185, and 186

[PP 8F2034, 7F2013, 4F2993, 2F2623, 4F3046, 2F4144, and 6F3318/R2106; FRL-4933-4]

RIN 2070-AB78

Pesticide Tolerances for Permethrin, Cypermethrin, Fenvalerate/ Esfenvalerate, Tralomethrin, Fenpropathrin, Cyfluthrin, and Lambda-Cyhalothrin; Extension of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends tolerances for residues of seven synthetic pyrethroids—permethrin, cypermethrin, fenvalerate/esfenvalerate, tralomethrin, fenpropathrin, cyfluthrin, and lambda-cyhalothrin (collectively referred to as the synthetic pyrethroids)—in or on certain raw agricultural commodities. FMC Corp. (FMC), Zeneca Ag Products, E.I. DuPont de Nemours & Co., Inc., Hoechst-Roussel Agri-Vet Co., Miles, Inc., and Valent U.S.A Corp., collectively called the industry's Pyrethroid Working Group (PWG), requested this rule to extend the effective date for tolerances for maximum permissible levels of residues of these synthetic pyrethroids in or on the commodities.

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

ADDRESSES: Written objections and hearing requests, identified by the document control number [PP 8F2034, 7F2013, 4F2993, 2F2623, 4F3046, 2F4144, and 6F3318/R2106], 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 should also be submitted to: Public Response and Program Resources Branch, Field Operations Division (7605C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver objections and hearing requests filed with the Hearing Clerk to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. 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: George T. LaRocca, Product

Manager (PM) 22, Registration Division (7505C), 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, (703-305-6100).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 14, 1994 (55 FR 56454), EPA issued a proposed rule to extend to November 15, 1997, tolerances for the residues of the synthetic pyrethroids permethrin, cypermethrin, fenvalerate/esfenvalerate, tralomethrin, fenprothrin, cyfluthrin, and lambda-cyhalothrin in or on certain commodities. The PWG had submitted petitions to establish tolerances for the synthetic pyrethroids. The data submitted in support of the tolerances and other relevant materials have been reviewed.

The toxicological and metabolism data and analytical methods for enforcement purposes considered in support of these tolerances are discussed in detail in related documents published in the **Federal Registers** of April 25, 1979 (44 FR 24287) for permethrin, January 31, 1979 (44 FR 6098) for fenvalerate, September 18, 1985 (50 FR 37581) for tralomethrin, February 21, 1985 (50 FR 7172) for cypermethrin, January 25, 1988 (53 FR 1923) for cyfluthrin, April 14, 1993 (58 FR 19357) for fenprothrin, and May 24, 1988 (53 FR 18558) for lambda-cyhalothrin.

To be consistent with extensions issued for conditional registrations that have been issued, the Agency is amending and extending tolerances for the synthetic pyrethroids with an expiration date of November 15, 1997, to cover residues expected to result from use during the period of conditional registration.

No public comments or requests for referral to an advisory committee were received in response to the notice of proposed rulemaking.

The data submitted in the petitions and other relevant material have been evaluated and discussed in the proposed rule.

Therefore, based on the information considered by the Agency and discussed in detail in the proposed rule and based on the Agency's conclusion that the tolerances for residues of the synthetic pyrethroids in or on the commodities will protect the public health, the Agency is establishing the tolerances as set forth below.

Any person adversely affected by these regulations may, within 30 days after publication of this document in the **Federal Register**, file written objections and/or a request for a hearing with the

Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and 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 regulations 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 such 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 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 Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 et seq.), 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 Parts 180, 185, and 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Records and recordkeeping.

Dated: February 1, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

- 1. In part 180:
 - a. The authority citation for part 180 continues to read as follows:

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

- b. In § 180.378, by revising the introductory text of paragraph (a), to read as follows:

§ 180.378 Permethrin; tolerances for residues.

(a) Tolerances, to expire on November 15, 1997, are established for residues of the insecticide permethrin [(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] in or on the following raw agricultural commodities:

* * * * *

- c. In § 180.379, by amending the table in paragraph (a) by revising the footnote to the entry for cottonseed as follows:

§ 180.379 Cyano(3-phenoxy-phenyl)methyl-4-chloro-α-(1-methylethyl) benzeneacetate; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Cottonseed	10.2
* * * * *	

¹The tolerance for cottonseed expires on November 15, 1997.

* * * * *

§ 180.418 [Amended]

- d. By amending § 180.418 *Cypermethrin; tolerances for residues* in

the introductory text by changing "November 15, 1994" to read "November 15, 1997".

e. In § 180.422, by revising the introductory text to read as follows:

§ 180.422 Tralomethrin; tolerances for residues.

Tolerances, to expire on November 15, 1997, are established for the combined residues of the insecticide tralomethrin ((S)-alpha-cyano-3-phenoxybenzyl (1R,3S)-2,2-dimethyl-3-[(RS)-1,2,2,2-tetrabromoethyl]-cyclopropanecarboxylate; CAS Reg. No. 66841-25-6) and its metabolites (S)-alpha-cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate and (S)-alpha-cyano-3-phenoxybenzyl(1S,3R)-3-(2,2-dibromovinyl)-2,2-

dimethylcyclopropanecarboxylate calculated as the parent in or on the following raw agricultural commodities:

* * * * *

§ 180.436 [Amended]

f. In § 180.436 *Cyfluthrin; tolerances for residues*, by amending the entry for cottonseed in the table therein by amending the footnote to the entry by changing "November 15, 1994" to read "November 15, 1997".

g. In § 180.438 by amending the table therein by revising the footnote to the entry for cottonseed as follows:

§ 180.438 [1 α-(S*),3 α-(Z)]-(±)-cyano(3-phenoxyphenyl)methyl 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate; tolerances for residues.

* * * * *

Commodity	Parts per million
Cottonseed	10.05

¹The tolerance for cottonseed expires on November 15, 1997.

h. In § 180.466, by revising the table therein, to read as follows:

§ 180.466 Fenpropathrin; tolerances for residues.

* * * * *

Commodity	Parts per million	Expiration date
Cottonseed	1.0	Nov. 15, 1997.
Cattle, fat	0.02	Do.
Cattle, mbyop	0.02	Do.
Cattle, meat	0.02	Do.
Eggs	0.02	Do.
Goats, fat	0.02	Do.
Goats, mbyop	0.02	Do.
Goats, meat	0.02	Do.
Hogs, fat	0.02	Do.
Hogs, mbyop	0.02	Do.
Hogs, meat	0.02	Do.
Horses, fat	0.02	Do.
Horses, mbyop	0.02	Do.
Horses, meat	0.02	Do.
Milkfat (reflecting 0.02 ppm in whole milk)	0.03	Do.
Poultry, fat	0.02	Do.
Poultry, mbyop	0.02	Do.
Sheep, fat	0.02	Do.
Sheep, mbyop	0.02	Do.
Sheep, meat	0.02	Do.

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 348.

b. In § 185.1250, by revising paragraph (a), to read as follows:

§ 185.1250 Cyfluthrin.

(a) A tolerance, to expire on November 15, 1997, of 2 parts per million is established for residues of the insecticide cyfluthrin (cyano(4-fluoro-3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate; CAS Reg. No. 69359-37-5) in cottonseed oil

resulting from application of the insecticide to cottonseed.

* * * * *

c. In § 185.3225, by revising the table therein, to read as follows:

§ 185.3225 Fenpropathrin.

* * * * *

Commodity	Parts per million	Expiration date
Cottonseed oil	3.0	Nov. 15, 1997.

d. In § 185.5450, by revising the introductory text to read as follows:

§ 185.5450 Tralomethrin.

Tolerances, to expire on November 15, 1997, are established for the combined residues of the insecticide tralomethrin ((S)-alpha-cyano-3-phenoxybenzyl-(1R,3S)-2,2-dimethyl-3-

[(RS)-1,2,2,2-tetrabromoethyl]-cyclopropanecarboxylate; CAS Reg. No. 66841-25-6) and its metabolites (S)-alpha-cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate and (S)-alpha-cyano-3-phenoxybenzyl(1S,3R)-3-(2,2-

dibromovinyl)-2,2-dimethylcyclopropanecarboxylate calculated as the parent in or on the following food commodities when present as a result of application of the insecticide to the growing crops:

* * * * *

PART 186—[AMENDED]

3. In part 186:
 a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 348.

b. In § 186.1250, by revising paragraph (a), to read as follows:

§ 186.1250 Cyfluthrin.

(a) A tolerance, to expire on November 15, 1997, of 2.0 parts per million is established for residues of the insecticide cyfluthrin (cyano(4-fluoro-3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate (CAS Reg. No. 69359-37-5)) in cottonseed hulls

resulting from application of the insecticide to cottonseed.

* * * * *

c. By amending § 186.3225 by revising the table therein, to read as follows:

§ 186.3225 Fenpropathrin.

* * * * *

Commodity	Parts per million	Expiration date
Cottonseed hulls	2.0	Nov. 15, 1997.

[FR Doc. 95-4305 Filed 2-16-95; 2:39 pm]
 BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Parts 12 and 18

Administrative Requirements and Cost Principles for Assistance Programs—Subpart D—Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants); New Restrictions on Lobbying

AGENCY: Office of the Secretary, Interior.
ACTION: Notification of policy change.

SUMMARY: This document announces a change in Departmental policy concerning the acceptance of certification regarding nonprocurement debarment and suspension for primary and lower tier covered transactions; drug-free workplace requirements; and lobbying, including the statement for loan guarantees and loan insurance. Since the use of special Departmental forms to meet regulatory requirements was a statement of Departmental policy, and not regulatory, the Department is using this document to inform potential applicants for grants, cooperative agreements, and loans to the revised policy. This change is in keeping with the philosophies of the National Performance Review to streamline processes. The effect of this change is to allow applicants, at the instruction of the Departmental bureau or office, to use any forms or formats, including electronic equivalents, as long as the certification or statement contains the applicable language required by the regulation.

EFFECTIVE DATE: This policy change is effective on February 22, 1995.

FOR FURTHER INFORMATION CONTACT:

Dean A. Titcomb, (Chief, Acquisition and Assistance Division), (202) 208-6431.

SUPPLEMENTARY INFORMATION: The Department joined in the publication of the Final Rule on Nonprocurement Debarment and Suspension published on May 26, 1988 (53 FR 19161-19211). To implement the certification requirements for participants in primary and lower tier covered transactions included in 43 CFR 12.510 (a) and (b), the Department developed two Departmental forms for use, specifically, DI-1953 (9/88), "Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions," and DI-1954 (9/88), "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions." The certification language used in these forms was the same as that appearing in Appendices A and B to Subpart D of 43 CFR Part 12.

With the publication of the Final Rule on Drug-Free Workplace Requirements published on May 25, 1990 (55 FR 21681-21705), the Department adopted a similar approach to implement the certification requirements required by 43 CFR 12.630(a). Specifically, DI-1955 (May 1990), "Certification Regarding Drug-Free Workplace Requirements" was developed for grantees other than individuals, and DI-1956 (May 1990), "Certification Regarding Drug-Free Workplace Requirements," was developed for grantees who are individuals. The certification language used in these forms was also the same as that appearing in Appendix C to Subpart D of 43 CFR Part 12.

The Interim Final Rule on New Restrictions on Lobbying was published on February 6, 1990 (55 FR 6735-6756). As part of its agency-specific preamble, the Department identified two Departmental forms to be used for implementing the lobbying certification and statement requirements included in 43 CFR 18.100 (b) and (d), specifically, DI-1963 (Jan 90), "Certification

Regarding Lobbying Form," and DI-1962 (Jan 90), "Statement for Loan Guarantees and Loan Insurance Form."

This policy change will increase the flexibility of the Departmental bureaus and offices for meeting these requirements and will accommodate particular needs of applicants that have the capability of using other methods to provide the certifications or statement. Departmental bureaus and offices will retain the option to continue accepting the existing forms and any subsequent revisions, a consolidated version of the forms, an electronic equivalent, forms of other Federal agencies, if appropriate, or forms prepared by automated systems of applicant organizations as long as the certification or statement contains the applicable language required by the regulation.

In some instances, the certification instructions found on the existing forms may no longer be included in program announcements. Potential applicants needing instructions for completion of a certification may refer to the published regulation or may request printed instructions from the individual named in the specific program announcement or publication.

Dated: January 31, 1995.

Bonnie R. Cohen,

Assistant Secretary—Policy, Management and Budget.

[FR Doc. 95-4288 Filed 2-21-95; 8:45 am]

BILLING CODE 4310-RF-M

FEDERAL MARITIME COMMISSION

46 CFR Part 500

[Docket No. 95-04]

Employee Responsibilities and Conduct

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission ("Commission" or "FMC"), is repealing its existing agency