

2. In § 180.412, by revising the section heading and introductory texts of paragraphs (a) and (b) and by amending paragraph (a) in the table therein by adding and alphabetically inserting new entries for almond hulls; clover, forage; clover, hay; and tree nuts and by revising the entry for cucurbits vegetables, to read as follows:

§ 180.412 2-[1-(Ethoxyimino)butyl]-5-(2-(ethylthio)propyl)-3-hydroxy-2-cyclohexen-1-one; tolerances for residues.

(a) Tolerances are established for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-(2-(ethylthio)propyl)-3-hydroxy-2-cyclohexen-1-one and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide) in or on the following commodities:

Commodity	Parts per million
* * * *	*
Almond hulls	2.0
Clover, forage	35.0
Clover, hay	50.0
Cucurbits vegetables	4.0
Tree nuts	0.2

(b) Tolerances with regional registration, as defined in § 180.1(n), are established for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-(2-(ethylthio)propyl)-3-hydroxy-2-cyclohexen-1-one and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide) in or on the following commodities:

* * * *

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40 CFR Part 180

[PP 4F4318/R2118; FRL-4945-2]

RIN 2070-AB78

Beauveria Bassiana Strain GHA; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement for a tolerance for residues of *Beauveria bassiana* Strain GHA in or on all raw agricultural commodities. Mycotech Corp. requested this exemption.

EFFECTIVE DATE: This regulation becomes effective April 12, 1995.

ADDRESSES: Written objections, identified by the document control number, [PP4F4318/R2118], 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 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: Patricia A. Cimino, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (703)-308-7035; e-mail: Cimino.Patricia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 13, 1994 (59 FR 35718), EPA issued a notice that Mycotech Corp., 630 Utah Drive, P.O. Box 4109, Butte, MT 59701, had submitted pesticide petition PP 4F4318 proposing to amend 40 CFR part 180 by establishing a regulation pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to exempt from the requirement of a tolerance the residues of the microbial pest control agent *Beauveria bassiana* Strain GHA in or on alfalfa, corn, potatoes, rapeseed, safflower, small grain crops, soybeans, sugarbeets, sunflower, rangeland, improved pastures, and in meat, milk or other animal products from livestock grazed on treated rangeland or improved pastures when applied to growing crops in accordance with good agricultural practices.

There were no comments received in response to the notice of filing.

In the Federal Register of February 8, 1995 (60 FR 7543), EPA issued a notice that Mycotech Corp., 630 Utah Drive, P.O. Box 4109, Butte, MT 59701, had submitted an amendment to a pesticide petition, PP 4F4318, proposing to amend 40 CFR part 180 by establishing a regulation pursuant to section 408 of

the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to exempt from the requirement of a tolerance the residues of the microbial pest control agent *Beauveria bassiana* Strain GHA in or on all raw agricultural commodities.

Beauveria bassiana Strain GHA is naturally occurring and was originally isolated from indigenous grasshoppers.

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 for *Beauveria bassiana* Strain GHA in or on all raw agricultural crops include an acute oral toxicity/pathogenicity study, an acute dermal toxicity study, an acute pulmonary toxicity/pathogenicity study, an acute intraperitoneal toxicity/pathogenicity study, and primary eye irritation studies.

The results of these studies indicated that the organism was not toxic to test animals when administered via oral, dermal, pulmonary, or intraperitoneal routes.

The active ingredient was not infective or pathogenic to the test animals in any of the studies. Ocular lesions were observed in the eye irritation studies with the technical-grade active ingredient (TGAI) and a wettable powder (WP) formulation and resulted in a Toxicity Category I rating for these products. Minimal ocular irritation was observed in the eye irritation studies done with oil flowable and emulsifiable suspension end-use product formulations indicating that the lesions observed in the eye irritation tests done with TGAI and the WP formulations may have been due to physical effects of the TGAI and inert ingredients. Slight skin irritation persisted in test animals treated with the TGAI resulting in a Toxicity Category III rating. There have been no reports of hypersensitivity related to the active ingredient. All of the toxicity studies submitted are considered acceptable.

The toxicology data provided are sufficient to demonstrate that there are no foreseeable human health hazards likely to arise from use of *Beauveria bassiana* Strain GHA on the requested food and feed commodities when applied during the growing season in accordance with good agricultural practices.

Acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevant to this petition because the data submitted demonstrated that this biological control agent is not toxic to humans by dietary exposure. No enforcement actions are

expected based on a level of residues in food. Therefore, the requirement for an analytical method for enforcement purposes is not applicable to this exemption request. This is the second exemption from the requirement of a tolerance for this microbial pest control agent. The first exemption appeared in the Federal Register of March 24, 1990 (60 FR 15488).

Based on the information considered, the Agency concludes that establishment of a tolerance is not necessary to protect the public health. Therefore, the exemption from 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 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 issues(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 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 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 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, Pesticide and pests, Reporting and recordkeeping requirements.

Dated: March 29, 1995.

Janet L. Andersen,
*Director, Biopesticides and Pollution
Prevention Division, Office of Pesticide
Programs.*

PART 180—[AMENDED]

Therefore, 40 CFR part 180 is amended as follows:

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 revising § 180.1146, to read as follows:

§ 180.1146 *Beauveria bassiana* Strain GHA; exemption from the requirement of a tolerance.

Beauveria bassiana Strain GHA is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied to growing crops according to good agricultural practices.

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40 CFR Parts 180, 185, and 186

[PP 3F4231 and FAP 3H5675/R2122; FRL-4947-4]

RIN 2070-AB78

Imidacloprid; Pesticide Tolerance and Food/Feed Additive Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance and food/feed additive regulations for residues of the insecticide (1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine) (proposed common name "imidacloprid") and its metabolites in or on various commodities. Miles, Inc., requested these regulations to establish these maximum permissible levels for residues of the insecticide and to establish the food and feed additive regulations.

EFFECTIVE DATE: This regulation becomes effective March 31, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 3F4231 and FAP 3H5675/R2122], 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, 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; e-mail: edwards.dennis@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the