

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: May 26, 1995.

#### Peter Caulkins,

*Acting 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, by adding new paragraph (d), to read as follows:

#### § 180.447 Imazethapyr; tolerances for residues.

\* \* \* \*

(d) Tolerances with regional registration, as defined in § 180.1(n) of this chapter, are established for the sum of residues of the herbicide imazethapyr, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-ethyl-3-pyridine carboxylic acid, as its ammonium salt, and its metabolite, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-(1-hydroxyethyl)-3-pyridine carboxylic acid, both free and conjugated, in or on the following raw agricultural commodities:

Commodity	Parts per million
Endive (escarole) .....	0.1
Lettuce (head and leaf) .....	0.1

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#### 40 CFR Part 180

[OPP-300388; FRL-4958-1]

RIN 2070-AB78

#### Diphenylamine; Technical Amendment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** EPA is issuing a technical amendment to a regulation on diphenylamine to change its designation from a "fungicide" to a "plant regulator." EPA is making this technical amendment to better characterize the chemical.

**FOR FURTHER INFORMATION CONTACT:** By mail: James A. Tompkins, Fungicide/Herbicide Branch (7505C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 239, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-305-6250; e-mail: tompkins.james@epamail.epa.gov.

#### SUPPLEMENTARY INFORMATION:

Diphenylamine is currently registered for use on apples to prevent the appearance of the skin discoloration known as "storage scald." Storage scald is an abiotic disorder not caused by fungus, bacterium, or living agent. The most widely accepted theory is that a substance known as alpha-farnesene is given off by the apple which when combined with oxygen leads to the formation of free radicals resulting in the destruction of cell substance compartmentalization and death of the skin cells. Diphenylamine applied to the skin of the apple acts as an antioxidant to prevent the combination of alpha-farnesene with oxygen. The term "plant regulator" is a better descriptive term than "fungicide" to describe the use of diphenylamine on apples to prevent the appearance of storage scald.

This document contains a technical amendment 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: May 25, 1995.

#### Stephen L. Johnson,

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, a technical amendment is made in 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.

#### § 180.190 [Amended]

2. In § 180.190, by making a technical amendment to the introductory text by

changing "fungicide" to read "plant regulator".

[FR Doc. 95-14063 Filed 6-13-95; 8:45 am]

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#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 0

[FCC 95-112]

#### Delegation of Authority to Issue Subpoenas

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document delegates authority to the Chief, Compliance and Information Bureau to issue subpoenas for the production of documents and testimony in support of Commission investigations of all types. This action is necessary to empower the Compliance and Information Bureau to obtain evidence in all situations involving violations of the Commission's Rules. The effect of this action is better informed Commission actions.

**EFFECTIVE DATE:** June 14, 1995.

**FOR FURTHER INFORMATION CONTACT:** Wayne T. McKee, Compliance and Information Bureau, (202) 418-1100.

**SUPPLEMENTARY INFORMATION:** The complete text of the Commission's Order, Adopted March 14, 1995, and released April 6, 1995, follows:

1. Section 409(e) of the Communications Act of 1934 (Act), as amended, 47 U.S.C. 409(e), grants the Commission express authority to issue subpoenas to require, among other things, the production of information relating to any matter under investigation. In this connection, the courts have held that the Commission may issue subpoenas to, among others, private entities not subject to the agency's jurisdiction.<sup>1</sup>

2. Section 5(c)(1) of the Act, 47 U.S.C. 155(c)(1), affords the Commission authority to delegate the subpoena power conferred by Section 409(e). In accordance with Section 5(c)(1), we previously delegated to the Chief, Compliance and Information Bureau (formerly the Field Operations Bureau) authority to issue administrative subpoenas in connection with investigation of cases involving violations of Sections 301 (unlicensed operation) or 302(a) (illegal marketing of radio frequency devices capable of

<sup>1</sup> See FCC v. Cohn, 154 F. Supp. 899 (S.D.N.Y. 1957).