

Commodity	Parts per million
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Blueberries ¹	1
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¹There are no U.S. registrations as of (date of publication of final rule) for dimethoate on blueberries.

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[FR Doc. 95-15427 Filed 6-20-95; 1:50 pm]

BILLING CODE 6560-50-F

40 CFR Parts 180 and 185

[OPP-300391; FRL-4962-7]

RIN 2070-AC18

Clethodim; Pesticide Tolerance and Food Additive Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish an import tolerance and a food additive regulation, respectively, for residues of the herbicide clethodim ((E)-(±)-2-[1-[[[(3-chloro-2-propenyl)oxy]imino]propyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one) and its metabolites containing the 2-cyclohexen-1-one moiety in or on the raw agricultural commodity potatoes and the food additive commodities potato flakes and granules. EPA is issuing this proposal on its own initiative pursuant to a project to harmonize certain tolerances and food additive regulations with those established by the Canadian government.

DATES: Comments, identified by the document control number [OPP-300391], must be received on or before July 24, 1995.

ADDRESSES: By mail, submit written comments 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 comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-300391]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne Miller, Product Manager (PM) 23, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-6224; e-mail: miller.joanne@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On its own initiative and pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act by (FFDCA), 21 U.S.C. 346a(e), EPA is proposing to amend 40 CFR 180.458 by establishing an import tolerance for residues of the herbicide clethodim and its metabolites containing the 2-cyclohexen-1-one moiety in or on the raw agricultural commodity potatoes at 0.5 part per million (ppm); and to add new § 185.1075 (40 CFR 185.1075) by establishing a food additive regulation for residues of the herbicide clethodim and its metabolites containing the 2-cyclohexen-1-one moiety in or on the food additive commodity potato granules and potato flakes at 1 part per million (ppm). Clethodim residues on potatoes grown in Canada and imported into the United States have been identified as a Canada-United States Trade Agreement (CUSTA) irritant. The Agency has reviewed Canadian crop field trial residue data and determined

that they are adequate to support an import tolerance. All relevant materials have been evaluated. The toxicological data considered in support of the proposed tolerances and food additive regulation include:

1. Several acute toxicology studies placing the technical-grade herbicide in Toxicity Category II for primary dermal irritation, Toxicity Category III for oral and inhalation toxicity and primary eye irritation, and Toxicity Category IV for dermal toxicity.

2. A 2-year rat chronic toxicity/carcinogenicity study found the compound to be noncarcinogenic to rats under the conditions of the study. The systemic no-observed-effect level (NOEL) was 500 ppm (approximately 19 mg/kg/day), and the systemic lowest-observed-effect level (LOEL) was 2,500 ppm (approximately 100 mg/kg/day) based on the observed body weight gain, the increases in liver weights, and the presence of centrilobular hepatic hypertrophy.

3. An 18-month mouse carcinogenicity study which showed the compound to be noncarcinogenic to mice under the conditions of the study. The systemic NOEL was 200 ppm (approximately 30 mg/kg/day), and the systemic LOEL was 1,000 ppm (approximately 150 mg/kg/day) based on treatment-related effects on survival, red cell mass, absolute and relative liver weights, and microscopic findings in liver and lung.

4. A 1-year feeding study in dogs with a systemic NOEL of 1 mg/kg/day in both sexes and a LOEL of 75 mg/kg/day based on increased absolute and relative liver weights, and alterations in hematology and clinical chemistry.

5. A developmental toxicity study in rats with a developmental and maternal NOEL and LOEL of 100 and 350 mg/kg/day, respectively. The LOEL for developmental toxicity was based on reductions in fetal body weight and increases in skeletal anomalies.

6. A developmental toxicity study in rabbits with a maternal toxicity NOEL and LOEL of 25 and 100 mg/kg/day, respectively. Maternal toxicity was manifested as clinical signs of toxicity and reduced weight gain and food consumption during treatment. Developmental toxicity was not observed, and therefore the developmental toxicity NOEL was 300 mg/kg/day (HDT).

7. A two-generation reproduction study in the rat with a parental toxicity NOEL and LOEL of 500 and 2,500 ppm (51 and 263 mg/kg/day), respectively, based on reductions in body weight in males, and decreased food consumption in both generations. The NOEL for

reproductive toxicity was 2,500 ppm (263 mg/kg/day, HDT).

8. A mutagenicity test with *Salmonella* Ames assay showed nonmutagenicity in three strains. Clethodim imine sulfone was negative for reverse gene mutation in *Salmonella* and *E. coli* exposed up to 10,000 ug/plate with or without activation. Clethodim was negative for chromosomal damage in bone marrow cells of rats treated orally up to toxic doses (1,500 mg/kg).

The dietary risk exposure analysis used a RfD of 0.01 mg/kg/body weight(bw)/day based on a NOEL of 1.0 mg/kg/bw/day and a safety factor of 100. The proposed use on potatoes for the U.S. population results in an Anticipated Residue Contribution (ARC) of 0.000571 mg/kg/bw/day, which represents 6% of the RfD. For nonnursing infants less than one year old, the ARC for the use on potatoes is 0.000860 mg/kg/bw/day, or 9% of the RfD.

The nature of the residue is adequately understood. A common moiety analytical method (gas chromatograph with a flame photometric detector in the sulfur mode) and a compound-specific confirmatory method are available for enforcement purposes. Prior to publication in the Pesticide Analytical Manual, Vol. II, both methods are available in the interim to anyone interested in pesticide enforcement. They can be requested from: Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M. St. SW., Washington, DC 20460. Office location and telephone number: Crystal Mall #2, Rm. 1132, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5232.

Any secondary residues occurring in milk, eggs, or meat of livestock and poultry will be covered by the established tolerances for these commodities. The pesticide is considered useful for the purpose for which the tolerance is sought. There are currently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR parts 180 and 185 would protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration

of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300391]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under docket number [OPP-300391] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

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 Parts 180 and 185

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 15, 1995.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR parts 180 and 185 be 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. By amending § 180.458 in the table therein by adding and alphabetically inserting the commodity potatoes, to read as follows:

§ 180.458 Clethodim ((E)-±)-2-[1-[[[3-chloro-2-propenyl)oxy]imino]propyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one); tolerances for residues.

Commodity	Parts per million
Potatoes	0.5

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. By adding new § 185.1075, to read as follows:

§ 185.1075 Clethodim ((E)-±)-2-[1-[[[3-chloro-2-propenyl)oxy]imino]propyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one).

Food additive tolerances are established for the combined residues of the herbicide clethodim ((E)-±)-2-[1-[[[3-chloro-2-propenyl)oxy]imino]propyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one) and its metabolites containing the 2-cyclohexen-1-one moiety in or on the following processed foods:

Food	Parts per million
Potato flakes ¹	1.0
Potato granules ¹	1.0

¹There are no U.S. registrations as of (date of publication of final rule) for clethodim on potatoes.

[FR Doc. 95-15428 Filed 6-20-95; 1:50 pm]
 BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket Nos. 91-221 and 87-8; DA 95-1355]

Broadcast Services; TV Ownership

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Commission granted an additional eleven-day extension of time to file reply comments in this proceeding in response to a request filed

by The Black Citizens for a Fair Media, Center for Media Education, Chinese for Affirmative Action, Communications Task Force, Hispanic Bar Association, League of United Latin American Citizens, National Conference of Puerto Rican Women, Office of Communications of the United Church of Christ, Philadelphia Lesbian and Gay Task Force, Telecommunications Research Action Center, Wider Opportunities for Women, and the Women's Institute for Freedom of the Press (Petitioners). The Commission had already granted an extension of the original deadline for filing comments in this proceeding (April 17, 1995) to May 17, 1995, and had extended the original deadline for filing reply comments (May 17, 1995) to June 19, 1995. Petitioners requested an additional 60-day extension of time to file reply comments. The Commission determined that a brief extension was warranted to facilitate the development of a full and complete record, but declined to grant the full 60-day extension requested by Petitioners.

DATES: Reply comments are now due on June 30, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kim Matthews (202) 739-0774 or Robert Kieschnick (202) 739-0764, Mass Media Bureau.

SUPPLEMENTARY INFORMATION:

In the matter of Review of the Commission's Regulations Governing Television Broadcasting, MM Docket No. 91-221; Television Satellite Stations Review of Policies and Rules, MM Docket No. 87-8.

Order Granting Extension of Time for Filing Reply Comments

Adopted: June 15, 1995.
 Released: June 15, 1995.

By the Chief, Mass Media Bureau:

1. On December 15, 1994, the Commission adopted a *Further Notice of Proposed Rule Making* regarding ownership of television stations. *Further Notice of Proposed Rule Making* in MM Docket Nos. 91-221 and 87-8, FCC 94-322 (Jan. 17, 1995) (*Notice*) 60 FR 6490, February 2, 1995. Comments on the *Notice* were initially due on April 17, 1995, and reply comments were initially due on May 17, 1995. By *Order* released April 7, 1995 60 FR 19566, April 19, 1995, the time for filing comments in this proceeding was extended to May 17, 1995, and the time for filing reply comments was extended to June 19, 1995.

2. On June 12, 1995, The Black Citizens for a Fair Media, Center for

Media Education, Chinese for Affirmative Action, Communications Task Force, Hispanic Bar Association, League of United Latin American Citizens, National Conference of Puerto Rican Women, Office of Communications of the United Church of Christ, Philadelphia Lesbian and Gay Task Force, Telecommunications Research Action Center, Wider Opportunities for Women, and the Women's Institute for Freedom of the Press (Petitioners), filed a joint request for an additional 60-day extension of time to file reply comments in this proceeding. Petitioners argue primarily that additional time is needed to review and prepare a reply to comments filed in response to the Commission's *Notice*. Petitioners also argue that Congress is presently considering legislation that would "effectively moot" this proceeding and therefore obviate the need to prepare and file reply comments.

3. As set forth in Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, it is our policy that extensions of time for filing comments in rulemaking proceedings shall not be routinely granted. Moreover, the initial comment period in this proceeding was longer than usual, and one 30-day extension of time has already been granted. However, in view of the circumstances outlined by Petitioners, we believe an additional 11-day extension of the reply comment deadline is warranted in order to facilitate the development of a full and complete record. We decline to grant a longer extension at this point in time based on speculation as to events that may or may not affect this proceeding.

4. Accordingly, It is Ordered that the Request for Extension of Time filed in MM Docket Nos. 91-221 and 87-8 by The Black Citizens for a Fair Media, Center for Media Education, Chinese for Affirmative Action, Communications Task Force, Hispanic Bar Association, League of United Latin American Citizens, National Conference of Puerto Rican women, Office of Communications of the United Church of Christ, Philadelphia Lesbian and Gay Task Force, Telecommunications Research Action Center, Wider Opportunities for Women, and the Women's Institute for Freedom of the Press is Granted to the extent detailed above and is otherwise Denied.

5. It is Further Ordered that the time for filing reply comments in the above-captioned proceeding is Extended to June 30, 1995.

6. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the communications Act of 1934, as amended, 47 U.S.C. 154(i) and