

in the Supplement To The Redesignation Demonstration and Maintenance Plan for the Charlotte/Gaston Ozone Nonattainment Area adopted by the North Carolina Environmental Management Commission on May 11, 1995: 3.1 Concept of North Carolina's Maintenance Plan; 3.2 Foundation Control Program; Table 3.2 of

Subsection 3.3; and 3.4 Contingency Plan.  
(ii) Other material. None.

**PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

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

2. In §81.334, the ozone table is amended by removing the Charlotte-

Gastonia area and its entries in the first alphabetical list and by adding in alphabetical order entries for "Gaston County" and "Mecklenburg County" to the second listing of counties to read as follows:

**§ 81.334 North Carolina.**  
\* \* \* \* \*

**NORTH CAROLINA—OZONE**

	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Rest of State .....		Unclassifiable/Attainment .....		
* * * * *				
Gaston County .....	July 5, 1995.			
* * * * *				
Mecklenburg County .....	July 5, 1995.			
* * * * *				

<sup>1</sup> This date is November 15, 1990, unless otherwise noted.

\* \* \* \* \*  
[FR Doc. 95-16358 Filed 7-3-95; 8:45 am]  
BILLING CODE 6560-50-P

**40 CFR Part 52**

[NC59-2-6942a; NC55-1-6497a; NC54-1-6496a; FRL-5253-3]

**Designation of Areas for Air Quality Planning Purposes; State of North Carolina**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** This document accelerates the effective date for the promulgation of basic motor vehicle inspection and maintenance (I/M) program modifications in the Winston-Salem and Raleigh/Durham maintenance areas and the Charlotte-Gastonia ozone nonattainment area. EPA previously published a direct final rule approving the North Carolina basic I/M state implementation plan (SIP) revision effective July 17, 1995. Since no comments were received during the public comment period on that document, and the I/M program is required for the Charlotte-Gastonia redesignation, this document makes the I/M revision effective July 5, 1995.

**EFFECTIVE DATE:** This action will be effective July 5, 1995.

**ADDRESSES:** Environmental Protection Agency, Region 4 Air Programs Branch,

345 Courtland Street NE., Atlanta, Georgia 30365.

**FOR FURTHER INFORMATION CONTACT:** Ben Franco, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is (404) 347-3555, extension 4211.

**SUPPLEMENTARY INFORMATION:** On June 2, 1995, EPA published a direct final rule (see 60 FR 28726) approving a revision to the North Carolina basic I/M SIP. The document stated the effective date of the I/M rule would be July 17, 1995, if no adverse comments were received by July 3, 1995. No adverse comments were received. The I/M rule is a requirement for the Charlotte-Gastonia area and must be effective prior to the ozone redesignation of the area. If the redesignation of the Charlotte-Gastonia area is not approved prior to July 28, 1995, sanctions would be imposed for a brief period. Therefore, the acceleration of the effective date for this rule will permit the Agency to redesignate the Charlotte-Gastonia ozone nonattainment area prior to the imposition of sanctions.

The 18-month clock leading to the imposition of sanctions was started by a letter dated January 28, 1994, in which EPA found that the State of North Carolina had failed to submit a SIP for the 15% plan and correction to the basic I/M program by November 15, 1992. The State subsequently submitted a complete SIP for the corrections to the

I/M program. Once the area is redesignated, the 15% plan is no longer an applicable requirement.

**Final Action**

The EPA published approval of the I/M SIP on June 2, 1995 (see 60 FR 28720) without prior proposal because the Agency viewed this as a noncontroversial amendment and anticipated no adverse comments. Since no comments were received, the redesignation is effective July 5, 1995.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping, Nitrogen oxides, Ozone.

Dated: June 27, 1995.

**Patrick M. Tobin,**

*Acting Regional Administrator.*

[FR Doc. 95-16469 Filed 7-3-95; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 180**

[OPP-300392; FRL-4963-4]

RIN 2070-AB78

**6-Benzyladenine; Removal of Tolerance and Establishment of Tolerance Exemption****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** This document removes a tolerance for combined residues of the plant growth regulator 6-benzyladenine and establishes an exemption from the requirement of a tolerance for the chemical in or on the raw agricultural commodity apples. This document is issued in response to the Reregistration Eligibility Decision (RED) regarding this chemical and a petition from Abbott Laboratories.

**EFFECTIVE DATE:** This regulation becomes effective July 5, 1995.

**ADDRESSES:** Written objections and hearing requests, identified by the document control number, [OPP-300392], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. 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.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [OPP-300392]. No Confidential Business Information (CBI)

should be submitted through e-mail. Electronic copies of objections and hearing requests on this 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: Philip Poli, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Special Review Branch, Crystal Station #1, 3rd Floor, 2800 Jefferson Davis Hwy., Arlington, VA, (703)-308-8038; e-mail: poli.philip@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** 6-Benzyladenine was first registered in the United States in 1979. It is a plant growth regulator used on certain fruit, white pine trees, calla lily tubers, and spinach grown for seed. In January 1990, the Agency classified 6-benzyladenine as a biochemical pesticide because it resembles natural plant regulators and it displays a nontoxic mode of action. The Reregistration Eligibility Decision (RED) document was issued for 6-benzyladenine in June 1994. Based on results of acute studies that indicate low toxicity, chronic studies were not required. In addition, because the use rate is low and application precedes harvest by approximately 4 months, the potential for dietary exposure is considered to be negligible (U.S. Environmental Protection Agency (USEPA). Reregistration Eligibility Decision (RED) document, N6-Benzyladenine, List B, Case 2040. June 1994.) The RED document proposed that the current apple tolerance be revoked and in its place an exemption from the requirement of a tolerance be established. In response to the RED, the pesticide registrant submitted a petition requesting a tolerance exemption on April 15, 1994.

EPA issued a notice, published in the **Federal Register** of September 28, 1994 (59 FR 49397), which announced that Abbott Laboratories had submitted a pesticide petition (PP) 4F4353 to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for residues of 6-benzyladenine, *N*-(phenyl)-1*H*-purine-6-amine. No comments or requests for referral to an advisory committee were received in response to the notice. The September 28, 1994 **Federal Register** notice serves as the Agency's proposal to amend 40 CFR

part 180 by removing the existing tolerance for apples and establishing a tolerance exemption for this chemical.

Based on the data and information considered, the Agency concludes that the tolerance exemption will protect the public health. Therefore, the tolerance exemption 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 (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).

A record has been established for this rulemaking under docket number [OPP-300392] (including any objections and hearing requests 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.

Written objections and hearing requests, identified by the document control number [OPP-300392], may be submitted to the Hearing Clerk (1900),

Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at: opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk 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 any objections and hearing requests 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 objections and hearing requests 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 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).

This final rule does not contain information collection requirements subject to review by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

#### List of Subjects in 40 CFR Part 180

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

Dated: June 27, 1995.

Lois A. Rossi,

Director, Special Review and Reregistration 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.

#### § 180.376 [Removed]

2. By removing § 180.376 6-Benzyladenine; tolerances for residues.

3. In subpart D, by adding new § 180.1150, to read as follows:

#### § 180.1150 6-Benzyladenine; exemption from the requirement of a tolerance.

The plant growth regulator 6-benzyladenine is exempt from the requirement of a tolerance when used as a fruit-thinning agent at an application rate not to exceed 30 grams of active ingredient per acre (30 g ai/A) in or on apples.

[FR Doc. 95-16431 Filed 7-3-95; 8:45 am]

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#### 40 CFR Part 180

[OPP-300385A; FRL-4963-8]

RIN 2070-AB78

#### Potassium Oleate, Oxytetracycline, and S-Ethyl Diisobutylthiocarbamate; Tolerance Actions

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

**ACTION:** Final rule.

**SUMMARY:** EPA on its own initiative is revising 40 CFR 180.232, 180.337, and 180.1068 to change some chemical expressions, increase certain tolerances,

revise certain commodity definitions, and delete certain terms. For each of the pesticides subject to this rule, EPA has completed the reregistration process and issued a Reregistration Eligibility Document. These actions are taken as a result of EPA's reregistration process involving these chemicals.

**EFFECTIVE DATE:** This regulation becomes effective July 5, 1995.

**ADDRESSES:** Written objections and hearing requests, identified by the document control number, [OPP-300385A], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. 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. 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.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [OPP-300385A]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this 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: Ben Chambliss, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Special Review Branch, Crystal Station #1, 3rd Floor, 2800 Crystal Drive,