

Written objections and hearing requests, identified by the document control number [0E3875/R2168], 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

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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).

List of Subjects in 40 CFR Part 180

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

Dated: September 14, 1995.

Daniel M. Barolo,  
Director, 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. By adding new § 180.485, to read as follows:

**§ 180.485 Cyproconazole; tolerances for residues.**

A time-limited tolerance is established for residues of the fungicide cyproconazole, (2RS,3RS)-2-(4-chlorophenyl)-3-cyclopropyl-1-(1H-1,2,4-triazole-1-yl)butan-2-ol, in or on the following imported raw agricultural commodity:

Commodity	Parts per million	Expiration date
Coffee beans <sup>1</sup> ..	0.1	July 1, 1997.

<sup>1</sup>There are no U.S. registrations as of August 9, 1995 for use on coffee beans.

[FR Doc. 95-24007 Filed 9-26-95; 8:45 am]  
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**40 CFR Part 180**

[PP 6F3436/R2169; FRL-4976-6]

RIN 2070-AB78

**Tralomethrin; Pesticide Tolerances**

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

**ACTION:** Final rule.

**SUMMARY:** This document establishes time-limited tolerances with an expiration date of November 15, 1997,

for the combined residues of the insecticide tralomethrin and its metabolites *cis*-deltamethrin and *trans*-deltamethrin in or on the raw agricultural commodities (RACs) leaf lettuce, head lettuce, broccoli, and sunflowers. The tolerances establish the maximum permissible levels for residues of the insecticide in or on the commodities. The AgrEvo USA Co. requested these tolerances pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA).

**EFFECTIVE DATE:** This regulation becomes effective September 27, 1995.

**ADDRESSES:** Written objections and hearing requests, identified by the document control number, [PP 6F3436/R2169], 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 [PP 6F3436/R2169]. 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: George T. LaRocca, Product Manager (PM) 13, Registration Division (7505C), Environmental Protection

Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Second Floor, CM #2, 1900 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6100; e-mail: larocca.george@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of August 16, 1995 (60 FR 42495), EPA issued a proposed rule that gave notice that AgrEvo USA Co. (formerly Roussel Uclaf of Paris, France; U.S. Agent: Hoechst-Roussel Agri-Vet Co.), Little Falls Center One, 2711 Centerville Rd., Wilmington, DE 19808, had submitted a pesticide petition (PP 6F3436) to EPA proposing to amend 40 CFR part 180 by establishing a regulation pursuant to the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a and 371), to establish tolerances for residues of the pyrethroid tralomethrin [(S)-*alpha*-cyano-3-phenoxybenzyl-(1R,3S)-2,2-dimethyl-3-[(RS)-1,2,2,2-tetrabromoethyl]-cyclopropane carboxylate] and its metabolites *cis*-deltamethrin [(S)-*alpha*-cyano-3-phenoxybenzyl(1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate] and *trans*-deltamethrin [(S)-*alpha*-cyano-3-phenoxybenzyl (1S,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate] in or on the following RACs: broccoli at 0.50 part per million (ppm), leaf lettuce at 3.0 ppm, head lettuce at 1.0 ppm, and sunflower seed at 0.05 ppm.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted with the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the 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 (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 [PP 6F3436/R2169] (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.

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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).

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

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

Dated: September 18, 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 § 180.422 by revising the table therein, to read as follows:

**§ 180.422 Tralomethrin; tolerances for residues.**

\* \* \* \* \*

Commodity	Parts per million
Broccoli .....	0.50
Cottonseed .....	0.02
Lettuce, head .....	1.00
Lettuce, leaf .....	3.00
Soybeans .....	0.05
Sunflower seed .....	0.05

[FR Doc. 95-24008 Filed 9-26-95; 8:45 am]

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**40 CFR Parts 180, 185, and 186**

[OPP-300328A; FRL-4946-7]

RIN No. 2070-AB78

**Pesticide Chemicals; Various Revocations**

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

**ACTION:** Final rule.

**SUMMARY:** This rule revokes tolerances and food and feed additive regulations established for residues of 16 pesticide chemicals in or on certain raw agricultural commodities (RACs), processed foods, and animal feeds. A tolerance for the herbicide barban is changed to a time-limited tolerance, with an expiration date of January 1, 1998. EPA is initiating this action for those pesticides which have no food use registrations. The applicable registrations for these pesticides have been canceled because of nonpayment of maintenance fees or by registrant request.

**EFFECTIVE DATE:** This regulation becomes effective September 27, 1995.

**ADDRESSES:** Written objections and hearing requests, identified by the document control number [OPP-300328A], 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 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.

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**FOR FURTHER INFORMATION CONTACT:** By mail: Owen F. Beeder, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station #1, Westfield Building, 2800 Jefferson Davis Highway, Arlington, VA, (703)-308-8351; e-mail: beeder.owen@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of April 14, 1994 (59 FR 17754), EPA issued a proposal to revoke all tolerances and food additive and feed additive regulations ("tolerances") established under sections 408 and 409 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a and 348) for residues of the herbicides tributylphosphorotrithioite, 2-chloroallyldiethyldithiocarbamate, norea, barban, sodium trichloroacetate, dinitramine, dipropetryn and bifenox; the plant regulators 1,2,4,5-tetrachloro-3-nitrobenzene and cycloheximide; the insecticides dimethyl phosphate of (*alpha*)-methylbenzyl 3-hydroxy-*cis*-crotonate, pirimiphos-ethyl, 2-chloro-1-(2,4-dichlorophenyl) vinyl diethyl phosphate, phenothiazine, *O,O*-dimethyl *O-p*-(dimethylsulfamoyl) phenyl phosphorothioate including its oxygen analog, and flucythrinate; and the fungicide hexachlorophene in or on raw agricultural commodities (RACs), processed foods, and feeds. EPA initiated this action because all

registered uses of these pesticide chemicals in or on RACs and processed foods and feeds have been canceled. The registrations for these pesticide chemicals were canceled because the registrant failed to pay the required maintenance fee, or the registrant voluntarily canceled all registered uses of the pesticide.

Following a review of comments received in response to this tolerance revocation proposal, the Agency has determined to proceed with the immediate revocation of the tolerances and food additive and feed additive regulations for all of the pesticides listed above with the exception of barban. In response to a comment, EPA has decided to delay the revocation of barban until January 1, 1998. EPA is effecting this delayed revocation by including an expiration date in the tolerance.

Two comments were received in response to the proposal in the Federal Register (59 FR 17754, April 14, 1994). One comment received from United Agri Products (UAP) on barban requested that the proposed tolerance revocation for barban (40 CFR 180.268) be delayed because of the adverse impact that would result to owners of existing stocks of barban and treated commodities if the revocation were to become final at this time. The Agency was advised of the existence of approximately 1,700 gallons of a formulation containing 2 lbs. of barban per gallon at UAP and of approximately 3,000 gallons at the dealer level. UAP requested that the Agency allow the existing stocks to be used over a 2-year period and proposed that January 1, 1998, be the earliest effective date for revocation of the tolerance. EPA agrees and is inserting an expiration date of January 1, 1998, in the barban (4-chloro-2-butynyl *m*-chlorocarbaniate) tolerance regulation.

The other comment was received from Remel on cycloheximide and expressed concern that the revocation of the tolerance for cycloheximide would have an adverse effect on the import of cycloheximide into the United States for use as an ingredient in biological culture media. The Agency believes that the revocation of the tolerance on cycloheximide would not prevent the import of this chemical for a nonfood use. Therefore, this comment does not affect the revocation of the tolerance.

Therefore, based on the information considered by the Agency and discussed in detail in the April 14, 1994 proposal and in this final rule, the Agency is hereby revoking the tolerances listed below in 40 CFR parts 180, 185, and 186.