Vocational education, Vocational rehabilitation.

Approved: November 20, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

Deborah R. Lee,

Assistant Secretary of Defense for Reserve Affairs.

Richard M. Larrabee,

Rear Admiral, U.S. Coast Guard, Office of Readiness and Reserve.

For the reasons set out in the preamble, 38 CFR part 21, subpart L is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart L—Educational Assistance for Members of the Selected Reserve

1. The authority citation for part 21, subpart L is revised to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), unless otherwise noted.

2. In § 21.7631, paragraphs (b) and (c) and their authority citations are revised, to read as follows:

§ 21.7631 Commencing dates.

* * * * *

(b) *Certification by school—the course or subject leads to a standard college degree.* (1) When a student enrolls in a course offered by independent study, the commencing date of the award or increased award of educational assistance will be the date the student began pursuit of the course according to the regularly established practices of the educational institution.

(2) When a student enrolls in a resident course or subject, the commencing date of the award will be the date of reporting provided that—

(i) The published standards of the school require the student to register before reporting,

(ii) The published standards of the school require the student to report no more than 14 days before the first scheduled date of classes for the term, quarter or semester for which the student has registered, and

(iii) The first scheduled class for the course or subject in which the student is enrolled begins during the calendar week when, according to the school's academic calendar, classes are generally scheduled to commence for the term.

(3) When a student enrolls in a resident course or subject whose first scheduled class begins after the calendar week when, according to the school's academic calendar, classes are scheduled to commence for the term, quarter, or semester, the commencing date of the award or increased award of educational assistance allowance will be the actual date of the first class scheduled for the particular course or subject.

(4) When a student enrolls in a resident course or subject and neither the provisions of paragraph (b)(2) nor (b)(3) of this section apply to the enrollment, the commencing date of the award or increased award of educational assistance will be the first scheduled date of classes for the term, quarter, or semester in which the student is enrolled.

(Authority: 10 U.S.C. 16136(b)).

(c) *Certification by educational institution or training establishment—course does not lead to a standard college degree.* (1) When a reservist enrolls in a course which does not lead to a standard college degree and which is offered in residence, the commencing date of the award of educational assistance will be as stated in paragraph (b) of this section.

(2) When a reservist enrolls in a course which is offered by correspondence, the commencing date of the award of educational assistance shall be the later of—

(i) The date the first lesson was sent, or

(ii) The date of affirmance in accordance with 38 U.S.C. 3686.

(3) When a reservist enrolls in a program of apprenticeship or other on-job training, the commencing date of the award of educational assistance shall be the first date of employment in the training position.

(Authority: 10 U.S.C. 16136(b))

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[FR Doc. 96–6497 Filed 3–19–96; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 4F4390/R2215; FRL–5354–3]

Pesticide Tolerance for Cadre

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of the new herbicide, (AC 263,222) (+)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-methyl-3-pyridinecarboxylic acid applied as its ammonium salt and its metabolite (+)-2-[4,5- dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-hydromethyl-3-pyridinecarboxylic acid both free and conjugated, in or on peanut nut meat at 0.1 ppm. The regulation to establish a maximum permissible level for the residues of the herbicide was requested in petitions submitted by American Cyanamid Company.

EFFECTIVE DATE: This regulation becomes effective March 20, 1996.

ADDRESSES: Written objections and hearing requests, identified by the docket number, [PP 4F4390/R2215], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Room M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing request filed with the Hearing Clerk should be identified by the docket number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20450. In person, bring copy of objections and hearing request to: Room 1132, CM #2, 1921 Jefferson Davis Highway, 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.

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 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 4F4390/R2215]. 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: Robert J. Taylor, Product Manager (PM) 25, Registration Division (7505C), Environmental Protection Agency, 401 M. St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703–305–6027, e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register on (August 17, 1995) (FRL–4963–7), which announced that the American Cyanamid Company, P.O. Box 400, Princeton, NJ 08543–0400, had submitted pesticide petition, PP 4F4390 to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 34a(d), amend 40 CFR part 180, by establishing a regulation to permit residues of the herbicide, (+)-2-[4,5-dihydro-4-methyl-4-(1- methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-methyl-3-pyridinecarboxylic acid applied as its ammonium salt and its metabolite (+)-2-[4,5- dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-hydromethyl-3-pyridinecarboxylic acid both free and conjugated, in or on the raw agricultural commodity (RAC), peanut nutmeat at 0.1 part per million ppm.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

Discussion of Toxicology Data

The scientific data submitted in the petition and all other relevant material have been evaluated. The toxicology data listed below were considered in support of this tolerance.

1. An acute oral toxicity study in rats utilizing AC 263,222 as the test material resulted in a LD_{50} of greater than 5,000 mg/kg (males and females).

2. An acute dermal toxicity study in rabbits utilizing AC 263,222 as the test material resulted in a LD_{50} of greater than 2,000 mg/kg (males and females).

3. An acute inhalation toxicity study in rats utilizing AC 263,222 as the test material resulted in a LC_{50} of greater than 5.52 mg/liter (males and females).

4. In a 21–day dermal study in rabbits, AC 263,222 was applied at dose levels of 0, 250, 500 or 1,000 mg/kg/day. The no-observed-effect-level (NOEL) was 1,000 mg/kg/day for both systemic toxicity and dermal irritation. The lowest observed effect level (LEL) was not determined (greater than 1,000 mg/kg/day).

5. In a 3–month subchronic feeding study, AC 263,222 was administered in the diet to male and female Sprague-Dawley rats at dose levels of 0, 5,000, 10,000 or 20,000 ppm (0, 386, 760 or 1,522 mg/kg/day in males and 0, 429, 848 or 1,728 mg/kg/day in females). No treatment-related effects were observed. The NOEL was 20,000 ppm. The LEL was not determined (greater than 20,000 ppm).

6. A 2–year combined chronic feeding/carcinogenicity study was conducted with rats. AC 263,222 was administered in the diet to male and female Sprague-Dawley rats at dose levels of 0, 5,000, 10,000 or 20,000 ppm (0, 253, 505 or 1,029 mg/kg/day in males and 0, 308, 609 or 1,237 mg/kg/day in females). No treatment-related effects were observed and no increase in tumors was observed at any dose level. The NOEL for both male and female rats was 20,000 ppm. A LEL was not determined (greater than 20,000 ppm).

7. In a 1–year chronic feeding study, AC 263,222 was administered in the diet to male and female beagle dogs at dose levels of 0, 5,000, 20,000 or 40,000 ppm (0, 137, 501 or 1,141 mg/kg/day in males and 0, 180, 534 or 1,092 mg/kg/day in females). The NOEL was not determined in this study (below 5,000 ppm). The LEL was 5,000 ppm, based on slight degeneration/necrosis and lymphocyte/macrophage infiltration in skeletal muscle in males and females and slightly decreased creatinine levels in females.

8. An 18–month carcinogenicity study was conducted with mice. AC 263,222 was administered in the diet to male and female CD-1 mice at dose levels of 0, 1,750, 3,500 or 7,000 ppm (0, 271, 551 or 1,134 mg/kg/day in males and 0, 369, 733 or 1,422 mg/kg/day in females). No treatment-related effects were observed and no increase in tumors was observed at any dose level. The NOEL for both male and female mice was 7,000 ppm. A LEL was not determined (greater than 7,000 ppm).

9. A developmental toxicity study was conducted with rats. AC 263,222 was administered orally by gavage to pregnant Sprague-Dawley rats at dose levels of 0, 250, 500 or 1,000 mg/kg/day during gestation days 6 to 15. The maternal NOEL was 1,000 mg/kg/day. The maternal LEL was not determined (greater than 1,000 mg/kg/day). The developmental NOEL was 1,000 mg/kg/day. The developmental LEL was not determined (greater than 1,000 mg/kg/day).

10. In a developmental toxicity study with rabbits, AC 263,222 was administered orally by gavage to pregnant rabbits at dose levels of 0, 175, 350, 500 or 700 mg/kg/day during gestation days 7 to 19. The maternal NOEL was 350 mg/kg/day. The maternal LEL was 500 mg/kg/day, based on decreased body weight gain and decreased food consumption. The developmental NOEl was 500 mg/kg/day. The developmental LEL was not determined (greater than 500 mg/kg/day).

11. A reproduction study was conducted with rats. AC 263,222 was administered in the diet for 2 generations to Sprague-Dawley rats at dose levels of 0, 5,000, 10,000 or 20,000 ppm (equivalent to premating dose levels of 0, 301, 605 or 1,205 mg/kg/day in males and to premating dose levels of 0, 378, 737 or 1,484 mg/kg/day in females). The NOEL for both parents and offspring in the study was 20,000 ppm. A LEL was not determined (greater than 20,000 ppm).

12. Mutagenicity data included an Ames assay in *S. typhimurium* TA strains and *E. coli* WP2 (negative with and without metabolic activation), a forward mutation assay in CHO/HGPRT cells (negative with and without metabolic activation), an *in vitro* chromosomal aberration assay in CHO cells (negative with and without metabolic activation) and an *in vivo* bone marrow cytogenetic assay in rats (negative).

13. A metabolism study was conducted in which the absorption, distribution, metabolism and excretion of ^{14}C-AC 263,222 was studied in male and female rats. Radioactivity was rapidly absorbed and excreted, mostly in less than 6 hours. The major route of excretion was the urine. No significant bioaccumulation occurred in tissues. Less than 6% of the administered dose was metabolized, the majority of radioactivity appearing in the urine as unchanged parent compound.

The Reference Dose (RfD) for AC 263,222 is 0.50 mg/kg/day. This value is based on the LEL of 5,000 ppm (137 mg/kg/day in males and 180 mg/kg/day in females) determined in the 1–year chronic feeding study in dogs. An uncertainty factor (UF) of 300 was applied to the NOEL based on the following: an UF of 100 to account for inter-species extrapolation and intra-species variability and an additional UF of 3 to account for the lack of a NOEL in the study.

Nature of the Residue and Analytical Method

The nature of the AC 263,222 residue in plants ruminants is adequately understood. The residues of concern are the parent AC 263,222 and its hydroxymethyl metabolite, AC 263,284.

An adequately validated HPLC residue analytical method has been presented to gather the magnitude of the residue data for AC 263,222 and its metabolite AC 263,284 ranging from 0.1 ppm to 5 pm in peanut hulls and nutmeats. This method, M 2253.01, is suitable to enforce the tolerances of 0.1 ppm.

The nature of the residue in poultry has not been defined. It has been concluded that there is no reasonable expectation of finite AC 263,222 residues occurring in poultry from this use.

Since there are very low residues in peanuts and a livestock feeding and grazing restriction on the AC 263,222 treated peanut hay, there is no need to have cattle and poultry feeding studies; nor is there any need for secondary tolerances of AC 263,222 and its hydroxymethyl metabolite in meat, milk, poultry, and eggs in this petition only.

Risk Assessment

The DRES chronic analysis used the Reference Dose (RfD) of 0.50 mg/kg/day, based upon results in the 1–year chronic feeding study in dogs.

For chronic dietary exposure from the new use of AC 263,222 on peanuts the TMRC for the general U.S. population and the most highly exposed subgroups are as follows (as percent of the Reference Dose):

U.S. population	0.0015%
Children (1-6 Years Old)	0.0047%
Children (6-12 Years Old)	0.0034%

An acute dietary risk assessment is not required for AC 263,222.

The pesticide is considered useful for the purpose for which the tolerance is sought. Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 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 fees provided 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, and the requestor's contentions on each such issue, and a summary of the evidence relied upon by the objection (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 on 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).

Under Executive Order 12866 (58 FR 51735, October 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 Part 180

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

Dated: March 5, 1996.

Penelope A. Fenner-Crisp,

Acting Director, Office of Pesticide Programs.

Therefore, chapter I of title 40 Code of Federal Regulations 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 § 180.490 to subpart C, to read as follows:

§ 180.490 Cadre, tolerance for residues.

Tolerance is established for residues of the herbicide; (+)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-methyl-3-pyridinecarboxylic acid applied as its ammonium salt and its metabolite (+)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-hydromethyl-3-pyridinecarboxylic acid both free and conjugated; in or on the following raw agricultural commodity:

Commodities	Parts per million
Peanut nutmeat	0.1

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40 CFR Part 180

[PP 4F4398/R2209; FRL–5352–2]

RIN 2070–AB78

Dried Fermentation Solids and Solubles of Myrothecium Verrucaria; Exemption From the Requirement of a Tolerance on All Food Crops and Ornamentals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement for a tolerance for residues of killed*Myrothecium verrucaria* in or on all food crop and ornamental commodities when applied pre-planting, pre-seeding or post-planting in accordance with good agricultural practices. This exemption was requested by Abbott Laboratories. This regulation eliminates the need to establish a maximum permissible level for residues of this nematicide on food crops and ornamentals.