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, Recording and recordkeeping requirements.

Dated: February 15, 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.

b. By adding § 180.480, to read as follows:

§ 180.480 Fenbuconazole; tolerances for residues.

(a) Time-limited tolerances, to expire on December 31, 1998, are established for combined residues of the fungicide fenbuconazole [alpha-[2-(4-chlorophenyl)-ethyl]-alpha-phenyl-3-(1H-1,2,4-triazole)-1-propanenitrile] and its metabolites, cis-5-(4-chlorophenyl)-dihydro-3-phenyl-3-(1H-1,2,4-triazole-1-ylmethyl)-2-3H-furanone and trans-5-(4-chlorophenyl)dihydro-3-phenyl-3-(1H-1,2,4-triazole-1-ylmethyl-2-3H-furanone, expressed as fenbuconazole, in or on the following raw agricultural commodities:

Commodity	Parts per million
Pecans	0.1
Stone fruit crop group (except plums and prunes)	2.0

(b) Residues in these commodities not in excess of the established tolerance resulting from the uses described in paragraph (a) of this section remaining after expiration of the time-limited tolerance will not be considered to be actionable if the fungicide is applied during the term of and in accordance

with the provisions of the above regulation.

[FR Doc. 95–5019 Filed 2–28–95; 8:45 am] BILLING CODE 6560–50–F

40 CFR Part 180

[PP 4F4351/R2108; FRL-4938-1]

RIN 2070-AB78

Candida Oleophila Isolate I-182; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection

Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of the post-harvest biological fungicide *Candida oleophila* isolate I-182. Ecogen, Inc., requested this tolerance exemption.

EFFECTIVE DATE: This regulation becomes effective on March 1, 1995. ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 4F4351/ R2108], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. 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 request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., 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. FOR FURTHER INFORMATION CONTACT: By mail: Denise Greenway, Biopesticides

FOR FURTHER INFORMATION CONTACT: By mail: Denise Greenway, Biopesticides and Pollution Prevention Division (7501W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: CS51L6, CS #1, 2800 Crystal Drive, Arlington, VA 22202, (703)-308-2262

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of September 28, 1994 (59 FR 49396), which announced that Ecogen, Inc., 2005 Cabot Blvd. West, Langhorne, PA 19047, had submitted pesticide petition (PP) 4F4351 to EPA

requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosemtic Act (FFDCA), 21 U.S.C. 346a(d), establish an exemption from the requirement of a tolerance for residues of Candida oleophila isolate I-182 in or on all raw agricultural commodities. Errors in the September 28, 1994 notice of filing were corrected in the Federal Register of November 2, 1994 (59 FR 54911), to specify that C. oleophila isolate I-182 is a biological fungicide, not an insecticide, and that the area of title 40 of the Code of Federal Regulations (CFR) to be amended is 40 CFR part 180, not 40 CFR 180.1001(c) and (d).

There were no comments received in response to these notices of filing. The data submitted in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the exemption from the requirement of a tolerance are summarized as follows:

Rats have been challenged with high doses of the pure preparations of *C*. oleophila by the oral, pulmonary, and interperitoneal routes of exposure. In each of these tests, the test animals survived to the end of the study without visible signs of toxicity or pathogenicity from the presence of *C. oleophila*. The test microbe was not isolated from any organs or tissues on day 3 in the oral and pulmonary studies and on day 7 in the interperitoneal injection study. These findings indicate that the test microbe was recognized by the immune system and cleared from the rats by the normal routes. In addition, the endproduct formulation of *C. oleophila* was tested for dermal toxicity/irritation, eye irritation, and acute oral toxicity and showed no mortality or significant signs of toxicity.

Candida oleophila isolate I-182 is a microbial pesticide as defined by 40 CFR 158.65. The toxicity studies provided are sufficient to show that there are no foreseeable human or domestic health hazards likely to arise from the use of the product to control post-harvest decay in citrus and pome fruit.

Acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevant to this petition. Enforcement actions based on the level of residue found in a commodity are not expected. Therefore, the requirement for an analytical method for enforcement purposes is not applicable to this exemption request. Candida oleophila isolate I-182 is considered useful for the purposes for which the exemption from tolerance is sought. Based on the information and data considered, the Agency concludes