providers beyond that experienced by dealerships.

- (17) Manufacturers shall be responsible for ensuring that persons specified in paragraph (g)(1) of this section shall have access to reprogramming services at a reasonable cost and in a timely manner.
- (18) Manufacturers shall provide persons specified in paragraph (g)(1) of this section with an efficient and cost-effective method for identifying whether the calibrations on vehicles are the latest to be issued.
- (19) Manufacturers shall either make available to aftermarket tool and equipment companies no later than the date of model introduction any and all information, except calibrations and recalibrations, needed to develop and manufacture generic tools that can be used by persons specified in paragraph (g)(1) of this section to diagnose, service and repair emission-related parts, components and systems or manufacturers may sell their own diagnostic tools and equipment to persons specified in paragraph (g)(1) of this section if the price of such tools is reasonable.
- (20) A manufacturer is subject to a penalty of up to \$25,000 per day per violation for failure to make available the information required by this section.

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40 CFR Part 180

[PP 9F3818/R2153; FRL-4970-3]

RIN 2070-AB78

Tebuconazole; Pesticide Tolerances

AGENCY: Environmental Protection

Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the fungicide tebuconazole (alpha-[2-(4chlorophenyl)-ethyl]-alpha-(1,1dimethylethyl)-1H-1,2,4-triazole-1ethanol) for seed treatment in or on the raw agricultural commodities barley grain, forage, hay, and straw at 0.05, 0.10, 0.10, 0.10 parts per million (ppm), respectively; oat grain, forage, hay, and straw at 0.05, 0.10, 0.10, and 0.10 ppm, respectively; and wheat grain, forage, hay, and straw at 0.05, 0.10, 0.10, 0.10 ppm, respectively. Miles, Inc. (formerly Mobay Corp., Agricultural Chemicals Division, now Bayer Corp.) submitted a petition pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA) for the regulation to establish a maximum

permissible level for residues of the fungicide.

EFFECTIVE DATE: This regulation becomes effective August 9, 1995. ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 9F3818/ R2153], 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,

A copy of any objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: oppdocket@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 document number [PP 9F3818/ R2153]. 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: Connie B. Welch, Product Manager (PM) 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6226; e-mail: welch.connie@.epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of June 15, 1995 (60 FR 31465), which announced that Miles,

Inc., Agricultural Division (formerly Mobay Corp., Agricultural Chemicals Division, now Bayer Corp.), P.O. Box 4913, Kansas City, MO 64120-0013, had submitted pesticide petition (PP) 9F3818 to EPA requesting that the Administrator, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), establish a tolerance for residues of the fungicide tebuconazole (alpha-[2-(4chlorophenyl)-ethyl]-alpha-(1,1dimethylethyl)-1H-1,2,4-triazole-1ethanol) for seed treatment in or on the raw agricultural commodities barley grain, forage, hay, and straw at 0.05, 0.10, 0.10, 0.10 ppm, respectively; oat grain, forage, hay, and straw at 0.05, 0.10, 0.10, and 0.10 ppm, respectively; and wheat grain, forage, hay, and straw at 0.05, 0.10, 0.10, and 0.10 ppm, respectively.

There were no comments received in response to the notice of filing.

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance include:

1. A 90-day rat feeding study with a no-observed-effect level (NOEL) of 34.8 milligrams per kilogram of body weight per day (mg/kg bw/day) (400 ppm) and a lowest-effect-level (LEL) of 171.7 mg/kg bw/day (1,600 ppm) in males, based on decreased body weight gains and histological changes in the adrenals. For females, the NOEL was 10.8 mg/kg bw/day (100 ppm), and the LEL was 46.5 mg/kg bw/day (400 ppm) based on decreased body weights, decreased body weight gains, and histological changes in the adrenals.

2. A 90-day dog feeding study with a NOEL of 200 ppm (73.7 mg/kg bw/day in males and 73.4 mg/kg bw/day in females) and an LEL of 1,000 ppm (368.3 mg/kg bw/day in males and 351.8 mg/kg bw/day in females). The LEL was based on decreases in mean body weights, body weight gains, and food consumption, and an increase in liver

N-demethylase activity.

3. A 1-year dog feeding study with a NOEL of 1 mg/kg bw/day (40 ppm) and an LEL of 5 mg/kg bw/day (200 ppm), based on lenticular and corneal opacity and hepatic toxicity in either sex (the current Reference Dose was determined based on this study). A subsequent 1-year dog feeding study, using lower doses to further define the NOEL for tebuconazole, defines a systemic LOEL of 150 ppm (based on adrenal effects in both sexes) and a systemic NOEL of 100 ppm.

4. A 2-year rat chronic feeding study defined, a NOEL of 7.4 mg/kg bw/day (100 ppm) and a LEL of 22.8 mg/kg bw/day (300 ppm) based on body weight