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 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 9F3818/R2153] (including 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 Rm. 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 Hwy., Arlington, VA

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. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests can be sent directly to EPA at:

opp-docket@epamail.epa.gov. A copy of electronic objections and hearing requests may be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, 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, 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: July 28, 1995.

### Stephen L. Johnson,

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 § 180.474, by revising the table therein, to read as follows:

§ 180.474 Tebuconazole (alpha-[2-(4chlorophenyl)-ethyl]-alpha-(1,1dimethylethyl)-1H-1,2,4-triazole-1-ethanol); tolerances for residues.

\* \* \* \* \*

Parts per million
million 0.05 0.10 0.05 0.10 0.10 0.10 0.05 0.10 0.10
4.0 0.10 0.05 0.10 0.10

[FR Doc. 95–19528 Filed 8–8–95; 8:45 am] BILLING CODE 6560–50–F

#### 40 CFR Part 180

[PP 0F3876/R2155; FRL-4967-8]

RIN 2070-AB78

## Myclobutanil; Pesticide Tolerances

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

### ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide myclobutanil and a metabolite in or on the raw agricultural commodities almond nutmeat at 0.1 part per million (ppm) and almond hulls at 2.0 ppm, and increases the tolerances established for milk to 0.2 ppm and meat to 0.1 ppm, meat byproducts (except liver) to 0.2 ppm and liver to 1.0 ppm for cattle, goats, hogs, horses, and sheep. Rohm & Haas Co. requested in a petition submitted pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA) the regulation to establish a maximum permissible level for residues of myclobutanil on almond nuts and almond hulls. EPA initiated the increased tolerances for milk, meat, meat byproducts, and liver based on the additional residues in or on almond nuts and almond hulls.

**EFFECTIVE DATE:** This regulation became effective on July 27, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 0F3876/ R2155], may be submitted to: Hearing