and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Special Review Branch, Crystal Station #1, 3rd Floor, 2800 Crystal Drive, Arlington, VA 22202, (703)–308–8174; e-mail: chambliss.ben@epamail.epa.gov.

## SUPPLEMENTARY INFORMATION:

## I. Legal Authorization

The Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 et seq., authorizes the establishment of tolerances (maximum legal residue levels) and exemptions from the requirement of a tolerance for residues of pesticide chemicals in or on raw agricultural commodities pursuant to section 408 (21 U.S.C. 346(a)). Without such tolerances or exemptions, a food containing pesticide residues is considered to be "adulterated" under section 402 of the FFDCA, and hence may not legally be moved in interstate commerce (21 U.S.C. 342). To establish a tolerance or an exemption under section 408 of the FFDCA, EPA must make a finding that the promulgation of the rule would "protect the public health" (21 U.S.C. 346a(b)). For a pesticide to be sold and distributed the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

In 1988, Congress amended FIFRA and required EPA to review and reassess the potential hazards arising from currently registered uses of pesticides registered prior to November 1, 1984. As part of this process, the Agency must determine whether a pesticide is eligible for reregistration and if any subsequent actions are required to fully attain reregistration status. EPA has chosen to include in the reregistration process a reassessment of existing tolerances or exemptions from the need for a tolerance. Through this reassessment process, EPA can determine whether a tolerance must be amended, revoked, or established, or whether an exemption from the requirement of one or more tolerances must be amended or is necessary.

The procedure for establishing, amending, or repealing tolerances or exemptions from the requirement of tolerances is set forth in the Code of Federal Regulations, 40 CFR parts 177 through 180. Pursuant to 40 CFR 180.32, EPA is proposing the amendment of the following tolerances. The Administrator of EPA or any person may initiate an action proposing to establish, amend,

revoke, or exempt a tolerance for a pesticide registered for food uses. Each petition or request for a new tolerance, an amendment to an existing tolerance, or a new exemption from the requirement of a tolerance must be accompanied by a fee. Current Agency policy on tolerance actions identified during the reregistration process is to waive the payment of fees if the tolerance action concerns revision or revocation of an established tolerance. Comments submitted in response to the Agency's published proposals are reviewed; the Agency then publishes its final determination regarding the specific tolerance actions.

## II. Chemical-Specific Information and Proposed Actions

Tebuthiuron: Amendment to 40 CFR 180.390

1. Regulatory background. Tebuthiuron is a nonselective soil activated herbicide used to control broadleaf and woody weeds, grasses, and brush on terrestrial feed crop and terrestrial nonfood crop sites. Tolerances exist for tebuthiuron use on grass hay and forage as well as secondary residues in meat of cattle, goats, horses, sheep, and in milk. Tebuthiuron was registered by the Elanco Products Co. in 1974. The registration was later transferred to DowElanco in 1989. A Registration Standard was issued in July 1987 for all pesticide products containing tebuthiuron. Under this standard, registrants were required to generate and supply missing data and to replace unacceptable data. In June 1994, the Agency issued the Reregistration Eligibility Document for Tebuthiuron. This document reflects a reassessment of all data submitted in response to the Registration Standard of Tebuthiuron.

2. Proposed action—a. Lower the tolerance for grass hay and forage from 20 parts per million (ppm) to 10 ppm. A tolerance reduction from 20 ppm to 10 ppm is recommended for grass hay and forage based on data showing that combined residues of tebuthiuron and it's regulated metabolites did not exceed 10 ppm on any grass forage or hay sample in field trials conducted under label conditions.

b. Amend the commodity definition listed in 40 CFR 180.390 to conform to commodity definitions currently used by EPA to read as follows: "Grass, rangeland, forage" is proposed to read as "Grass, forage".

## **III. Public Comment Procedures**

Interested persons are invited to submit written comments, information,

or data in response to this proposed rule. Comments must be submitted by January 5, 1996. Comments must bear a notation indicating the document control number. Three copies of the comments should be submitted to either location listed under ADDRESSES.

Information submitted as a comment concerning this document may be claimed confidential by marking any or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of a comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Documents considered and relied upon by EPA pertaining to this action, and all written comments filed pursuant to this proposed rule, will be available for public inspection in Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA between 8 a.m. and 4:30 p.m., Monday through Friday, except legal holidays. To satisfy requirements for analysis specified by Executive Order 12866 and the Regulatory Flexibility Act, EPA has considered the impacts of this proposal.

A record has been established for this rulemaking under docket number [OPP-300403] (including comments and data 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.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov