

Manager (PM) 22, Registration Division (7505C), 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, (703-305-6100).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 14, 1994 (55 FR 56454), EPA issued a proposed rule to extend to November 15, 1997, tolerances for the residues of the synthetic pyrethroids permethrin, cypermethrin, fenvalerate/esfenvalerate, tralomethrin, fenpropathrin, cyfluthrin, and lambda-cyhalothrin in or on certain commodities. The PWG had submitted petitions to establish tolerances for the synthetic pyrethroids. The data submitted in support of the tolerances and other relevant materials have been reviewed.

The toxicological and metabolism data and analytical methods for enforcement purposes considered in support of these tolerances are discussed in detail in related documents published in the **Federal Registers** of April 25, 1979 (44 FR 24287) for permethrin, January 31, 1979 (44 FR 6098) for fenvalerate, September 18, 1985 (50 FR 37581) for tralomethrin, February 21, 1985 (50 FR 7172) for cypermethrin, January 25, 1988 (53 FR 1923) for cyfluthrin, April 14, 1993 (58 FR 19357) for fenpropathrin, and May 24, 1988 (53 FR 18558) for lambda-cyhalothrin.

To be consistent with extensions issued for conditional registrations that have been issued, the Agency is amending and extending tolerances for the synthetic pyrethroids with an expiration date of November 15, 1997, to cover residues expected to result from use during the period of conditional registration.

No public comments or requests for referral to an advisory committee were received in response to the notice of proposed rulemaking.

The data submitted in the petitions and other relevant material have been evaluated and discussed in the proposed rule.

Therefore, based on the information considered by the Agency and discussed in detail in the proposed rule and based on the Agency's conclusion that the tolerances for residues of the synthetic pyrethroids in or on the commodities will protect the public health, the Agency is establishing the tolerances as set forth below.

Any person adversely affected by these regulations may, within 30 days after publication of this document in the **Federal Register**, file written objections and/or a request for a hearing with the

Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and 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 regulations deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed 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, the requestor's contentions on each such issue, 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 a 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).

Under Executive Order 12866 (58 FR 51735, Oct. 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 Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 et seq.), 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 Parts 180, 185, and 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Records and recordkeeping.

Dated: February 1, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 180—[AMENDED]

- 1. In part 180:
 - a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

- b. In § 180.378, by revising the introductory text of paragraph (a), to read as follows:

§ 180.378 Permethrin; tolerances for residues.

(a) Tolerances, to expire on November 15, 1997, are established for residues of the insecticide permethrin [(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] in or on the following raw agricultural commodities:

* * * * *

- c. In § 180.379, by amending the table in paragraph (a) by revising the footnote to the entry for cottonseed as follows:

§ 180.379 Cyano(3-phenoxy-phenyl)methyl-4-chloro-α-(1-methylethyl) benzeneacetate; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Cottonseed	10.2
* * * * *	

¹The tolerance for cottonseed expires on November 15, 1997.

* * * * *

§ 180.418 [Amended]

- d. By amending § 180.418 *Cypermethrin; tolerances for residues* in