effective on November 29, 1982. However, if we receive notice by October 29, 1982 that someone wishes to submit critical comments, then EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities. Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2))

List of Subject in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

(Secs. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: September 21, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart P—Indiana

1. Section 52.770 is amended by adding new paragraph (c)(38).

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(38) On April 27, 1982, Indiana submitted source specific TSP emission limits for Huntingburg Wood Products, Jasper Desk Company, Jasper Office Furniture Company, Arist-O-Kraft Company, Mohr Construction Company, Dana Corporation, and Allis Chalmers Corporation. On April 29, 1982, Indiana submitted source specific VOC emission limits for McGee Refining Corporation, Hesco Industries, and Clark Oil and Refining Corporation.

* * * * *

[FR Doc. 82-26839 Filed 9-28-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 60 and 61

[A-7-FRL 2217-1]

New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); Delegation of Authority to Lincoln/Lancaster County Health Department (Nebraska)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA is today amending 40 CFR 60.4 and 61.04, Address, to reflect a delegation of authority to Nebraska's Lincoln/Lancaster County Health Department for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS).

EFFECTIVE DATE: September 29, 1982.

FOR FURTHER INFORMATION CONTACT: Steve A. Kovac, Air Branch, U.S. EPA, Region VII, 324 East 11th Street, Kansas City, Missouri 64106; 816/374-6525; FTS 758-6525.

SUPPLEMENTARY INFORMATION: The Nebraska Department of Environmental Control has subdelegated authority to implement and enforce the federal NSPS regulations for 32 stationary source categories and national emission standards for four hazardous air pollutants to the Lincoln/Lancaster County Health Department. The amended 40 CFR 60.4(b)(CC) and 61.04(b)(CC) adds the address of the county health department to which all reports, requests, applications, submittals, and communications to the Administrator, as required by 40 CFR Parts 60 and 61, must also be addressed.

List of Subjects

40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

40 CFR Part 61

Air pollution control, Asbestos, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional burdens are imposed upon the parties affected.

The delegation which influenced this amendment was effective on August 5, 1982, and it serves no purpose to delay technical change of this address in the Code of Federal Regulations. This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended, 42 U.S.C. 7412.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Dated: September 14, 1982.

William W. Rice,

Acting Regional Administrator, Region VII.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

In § 60.4, paragraph (b)(CC) is amended by adding the following address after the existing address:

§ 60.4 Address.

* * * * *

(b) * * *

(CC) * * *

Lincoln-Lancaster County Health Department, Division of Environmental Health, 2200 St. Marys Avenue, Lincoln, Nebraska 68502.

* * * * *

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

In § 61.04, paragraph (b)(CC) is amended by adding the following address after the existing address:

§ 61.04 Address.

* * * * *

(b) * * *

(CC) * * *

Lincoln-Lancaster County Health Department, Division of Environmental

Health, 2200 St. Marys Avenue, Lincoln, Nebraska 68502.

* * * * *

[FR Doc. 82-26838 Filed 9-28-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[A-5-FRL-2204-7]

Designation of Areas of Air Quality Planning Purposes; Attainment Status Designations; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: EPA is today approving a change to the redesignation for a portion of Midland County, from non-attainment to attainment designation relative to the sulfur dioxide (SO_2) National Ambient Air Quality Standard (NAAQS). This revision to the Michigan State Implementation Plan (SIP) is based on a request from the State to redesignate this area.

DATE: This action is effective October 29, 1982.

ADDRESSES: Copies of the redesignation request and the supporting technical information are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

On July 2, 1982 (47 FR 28968) EPA proposed approval of a redesignation for a portion of Midland County, from nonattainment to attainment relative to the SO_2 NAAQS as a revision to the Michigan SIP. No comments were received.

A portion of Midland County, Michigan (36 square miles surrounding the Dow Chemical plant) was designated as a nonattainment area for the primary SO_2 NAAQS in the March 3, 1978 (43 FR 8964), Federal Register. This nonattainment designation was based on the fact that the Dow Chemical Midland plant operated a Supplementary Control System (SCS), in contravention to Section 123 of the Act, in order to attain the SO_2 NAAQS. Dow Chemical's Midland plant is the major source of SO_2 emissions in Midland County.

On May 6, 1980 (45 FR 29790), EPA approved Michigan's SO_2 control strategy required by Part D of the Act for Midland County. The strategy requires Dow Chemical to comply with the one percent sulfur content limitation contained in Michigan's Rule 336.1401. In that notice, EPA approved the Midland County strategy stating that the available information demonstrated that enforcement of those regulations will protect the ambient air quality in Midland County.

On September 28, 1981, the U.S. District Court for the Eastern District of Michigan in the case of the U.S.A. vs Dow Chemical Company, signed a consent decree which, among other items, committed Dow to comply with the requirements of R336.1401 by September 1, 1981.

On December 21, 1981, the State of Michigan requested that EPA designate Midland County as attainment for SO_2. Michigan indicated that, as of September 1, 1981, the Dow Chemical Company is no longer operating an SCS and that Dow Chemical is now burning compliance fuel (one percent sulfur content). This switch to a lower sulfur content fuel has resulted in a significant reduction in sulfur dioxide emissions in the Midland area.

EPA reviewed Michigan's request to redesignate a portion of Midland County from primary non-attainment to attainment for SO_2 and today is approving the State's request. As noted in EPA's rulemaking of May 6, 1980, EPA believes that Dow's compliance with the 1 percent sulfur limit in R336.1401 will assure attainment of the SO_2 NAAQS in Midland County. Therefore, EPA is approving the redesignation of Midland County as attainment for SO_2 based on Michigan's certification that Dow has been in compliance with R336.1401 since September 1, 1981.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator on January 27, 1981 (46 FR 8709) certified that approvals of SIPs under sections 110 and 172 of the Clean Air Act would not have a significant economic impact on a substantial number of small entities. Because this final action approves a State action taken pursuant to sections 110 and 172 of the Clean Air Act, it falls within this certification. Further, it imposes no new requirements beyond those which the State has already imposed.

This regulation was exempted from review by the Office of Management and Budget under Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before May 24, 1982. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce those requirements.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Secs. 110 and 107, Clean Air Act (42 U.S.C. 7407))

Dated: September 21, 1982.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Section 81.323 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended. In the table for "Michigan—SO_2", the entry for a portion of Midland County should be revised to read as follows:

§ 81.323 Michigan.

Michigan—SO_2

Designated area	Does not meet primary standards	Does not met secondary standards	Cannot be classified	Better than national standards
* * * * *				
AQCR 122				
1. Midland County, R2E, T13N, sections 1-6, R2E, T13N, sections 1-6, R2E, T14N, sections 7-36.				X.

[FR Doc. 82-26799 Filed 9-28-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 0000/R452 PH-FRL 2214-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Certain Pesticide Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerance levels for the pesticide chemicals malathion; *O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate; methyl 3-[(dimethoxphosphinyl) oxy] butenoate, alpha and beta isomers; dioxathion; ethion; 2-chloro-1-(2,4-dichorophenyl) vinyl diethyl phosphate; and phosalone in or on certain raw commodities and to revise certain commodity descriptions. These regulations would provide conformity between U.S. tolerances and tolerances established for the above pesticide chemicals by the Codex Alimentarius Commission.

EFFECTIVE DATE: Effective on October 29, 1982.

ADDRESS: Written objections may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Room 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Pesticide chemical	PM	Telephone
Malathion: Methyl 3-[(dimethoxyphosphinyl)oxy]butenoate, alpha and beta isomers: Ethion	William Miller—PM16.	(703-557-2600)
Dioxathion: 2-Chloro-1-(2,4-dichlorophenyl) vinyl diethyl phosphate: *O,O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate.	George LaRocca—PM15.	(703-557-2400)
Phosalone	Jay Ellenberger—PM12.	(703-557-2386)

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the **Federal Register** of May 26, 1982 (47 FR 22982) which announced that the United States proposed to adjust current U.S. tolerances for certain pesticide chemicals to conform with the tolerances set by the Codex Alimentarius Commission (CAC). The purpose of the CAC is, in general, to protect consumer health and ensure fair practices in the food trade while fostering the movement of agricultural products across international boundaries. A primary concern of the CAC is the development of international food standards, including tolerances for pesticide residues in food.

As the last step of the Codex process, countries are asked to accept the tolerances established by CAC. Before acceptance of a CAC tolerance by the United States, it must be determined that the tolerance fully complies with the requirements of the Federal Food, Drug, and Cosmetic Act, and a regulation must have been promulgated. The May 26, 1982 notice of proposed regulations for tolerances appeared to satisfy these criteria.

FMC Corporation has commented regarding the proposal to increase the tolerances for ethion (§ 180.173) on cattle meat, meat byproducts, and pears. FMC stated that the increased tolerances will unnecessarily impact on the percent of acceptable daily intake (ADI) utilized and that the theoretical maximum residues contribution (TMRC) would be inflated by a factor of 3.33 in the case of cattle, meat (fat basis); by a factor of 1.33 in the case of cattle, meat byproducts; and by a factor of 2.0 in the case of pears.

The Agency does not consider that revising the cattle meat tolerance of 0.75 ppm (whole product basis) to 2.5 ppm cattle meat, fat basis to be a substantial increase. The Agency's TMRC calculations for fat, meat, and meat byproducts of cattle for ethion are already based on a 2.5 ppm tolerance level. Therefore, the proposed tolerance increases for meat and meat byproducts do not have any impact on the ADI. The proposed tolerance increase for pears results in an incremental increase of less than 0.5 percent of the TMRC and a 0.64 percent increase in the utilization of the ADI. The increase from 1 to 2 ppm for pears may be higher than necessary for U.S. good agricultural practices. However, EPA believes that in cases where international trade in commodities is of concern, we must also consider international good agricultural practices as is done in the Codex Alimentarius procedures.

The proposed increased tolerances for ethion are reasonable and supportable and are therefore established in § 180.173.

No other comments were received in response to this notice of proposed rulemaking.

Accordingly, EPA, based on consideration given the data published by the CAC and other relevant material, has concluded that the residues expected to result from the use of these insecticides in or on the commodities will not pose a hazard when used in accordance with the label directions, and that the CAC tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, withing 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(d), 68 Stat. 514 (21 U.S.C 346a(e))).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Raw agricultural commodities, Pesticides and pests.

Dated: September 10, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR Part 180 is amended to read as follows:

1. Section 180.111 is amended by revising the established tolerance for broccoli (Pre-H) to read as follows:

§ 180.111 Malathion; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Broccoli (Pre-H)	5.0
* * * * *	

2. Section 180.153 is revised to read as follows:

§ 180.153 O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate; tolerances for residues.

Tolerances are established for residues of the insecticide O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl)

phosphorothioate in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa, fresh	40.0
Alfalfa, hay	10.0
Almonds	0.5
Almonds, hulls	3.0
Apples	0.5
Apricots	0.5
Bananas (NMT 0.1 ppm shall be present in the pulp after peel is removed)	0.2
Beans, forage	25.0
Beans, hay	10.0
Beans, guar	0.1
Beans, guar, forage	0.1
Beans, lima	0.5
Beans, snap	0.5
Beets, roots	0.75
Beets, sugar, roots	0.5
Beets, sugar, tops	10.0
Beets, tops	0.7
Birdsfoot trefoil	40.0
Birdsfoot trefoil, hay	10.0
Blackberries	0.5
Blueberries	0.5
Boysenberries	0.5
Broccoli	0.7
Brussels sprouts	0.7
Cabbage	0.7
Carrots	0.75
Cattle, fat (pre-s appli)	0.7
Cattle, meat (fat basis) (pre-s appli)	0.7
Cattle, mbyp (fat basis) (pre-s appli)	0.7
Cauliflower	0.7
Celery	0.7
Cherries	0.75
Citrus	0.7
Clover (fresh)	40.0
Clover, hay	10.0
Coffee beans	0.2
Collards	0.7
Corn, forage	40.0
Corn (inc sweet k + CWHR)	0.7
Cottonseed	0.2
Cowpeas	0.1
Cowpeas, forage	0.1
Cranberries	0.5
Cucumbers	0.75
Dandelions	0.7
Dewberries	0.5
Endive (escarole)	0.7
Figs	0.5
Filberts	0.5
Grapes	0.75
Grass (NMT 40 ppm shall remain 24 hours after appli)	60.0
Grass, hay	10.0
Hops	0.75
Kale	0.7
Kiwi fruit	0.75
Lespedeza	1.0
Lettuce	0.7
Loganberries	0.75
Melons	0.75
Mushrooms	0.75
Mustard greens	0.7
Nectarines	0.5
Olives	1.0
Onions	0.75
Parsley	0.75
Parsnips	0.5
Peaches	0.7
Peanuts	0.75
Peanuts, forage	40.0
Peanuts, hay	10.0
Peanuts, hulls	10.0
Pears	0.5
Peavine hay	10.0
Peavines	25.0
Peas with pods (determined on peas after removing any shell present when marketed)	0.5
Pecans	0.5
Peppers	0.5
Pineapples	0.5
Pineapples, forage	40.0
Plums (fresh prunes)	0.5
Potatoes	0.1
Potatoes, sweet	0.1
Radishes	0.5
Raspberries	0.5
Rutabagas	0.75
Sheep, fat (pre-s appli)	0.7
Sheep, meat (fat basis) (pre-s appli)	0.7
Sheep, mbyp (fat basis) (pre-s appli)	0.7
Sorghum, forage	10.0
Sorghum, grain	0.75
Soybeans	0.1
Soybeans, forage	0.1
Spinach	0.7
Squash, summer	0.5
Squash, winter	0.75
Strawberries	0.5
Sugarcane	0.75
Swiss chard	0.7
Tomatoes	0.75
Turnips, roots	0.5
Turnips, tops	0.75
Walnuts	0.5
Watercress	0.7

3. Section 180.157 is revised to read as follows:

§ 180.157 Methyl 3-[(dimethoxyphosphinyl)oxy]butenoate, alpha and beta isomers; tolerances for residues.

Tolerances are established for residues of the insecticide methyl 3-[(dimethoxyphosphinyl)oxy]butenoate, alpha and beta isomers, in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa	1.0
Apples	0.5
Artichokes	1.0
Beans	0.25
Beets, garden (incl. tops)	1.0
Birdsfoot trefoil, forage	1.0
Birdsfoot trefoil, hay	1.0
Broccoli	1.0
Brussel sprouts	1.0
Cabbage	1.0
Carrots	0.25
Cauliflower	1.0
Celery	1.0
Cherries	1.0
Citrus	0.2
Clover	1.0
Collards	1.0
Corn, field, forage	1.0
Corn, grain, field	0.25
Corn, pop, forage	1.0
Corn, pop, grain	0.25
Corn, sweet (K+CWHR)	0.25
Corn, sweet, forage	1.0
Cucumbers	0.2
Eggplant	0.25
Grapes	0.5
Kale	1.0
Lettuce	0.5
Melons (incl. cantaloupes, honeydew melon, and muskmelon, determined on the edible portion with rind removed)	0.5
Mustard greens	1.0
Okra	0.25
Onions (green)	0.25
Parsley	1.0
Peaches	1.0
Pears	0.5
Peas	0.25
Peavines	1.0
Peppers	0.25
Plums	1.0
Potatoes	0.25
Raspberries	1.0
Sorghum, forage	1.0
Sorghum, grain	1.0
Spinach	1.0
Squash, summer	0.25
Strawberries	1.0
Tomatoes	0.2
Turnips	0.25
Turnips, tops	1.0
Walnuts (determined on the nut meats with shell removed)	0.25
Watermelon	0.5

4. Section 180.171 is amended by revising the established tolerance for stone fruits to read as follows:

§ 180.171 Dioxathion; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Stone fruits	0.1(N)
* * * * *	

5. Section 180.173 is revised to read as follows:

§ 180.173 Ethion; tolerances for residues.

Tolerances are established for residues of the insecticide ethion [*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate] including its oxygen analog [*S*-[[(diethoxyphosphinothioyl)thio] methyl] *O,O*-diethyl phosphorothioate) in or on the following raw agricultural commodities:

Commodities	Parts per million
Almonds	0.1
Almond, hulls	5.0
Apples	2.0
Appricots	0.1
Beans	2.0
Cattle, fat	2.5
Cattle, meat (fat basis)	2.5
Cattle, mbyp	1.0
Cherries	0.1
Chestnuts	0.1
Citrus fruits	2.0
Corn, fodder	14.0
Corn, forage	14.0
Corn, grain	0.1
Cottonseed	0.5
Cucumbers	0.5
Eggs	0.2
Eggplants	1.0
Filberts	0.1
Goats, fat	0.2
Goats, meat	0.2
Goats, mbyp	0.2
Grapes	2.0
Hogs, fat	0.2
Hogs, meat	0.2
Hogs, mbyp	0.2
Horses, fat	0.2
Horses, meat	0.2
Horses, mbyp	0.2
Melons	2.0
Milk fat (reflecting (N) residues in milk)	0.5
Nectarines	1.0
Onions	1.0
Peaches	1.0
Pears	2.0
Pecans	0.1
Peppers	1.0
Pimentos	1.0
Plums (fresh prunes)	2.0
Poultry, fat	0.2
Poultry, meat	0.2
Poultry, mbyp	0.2
Sheep, fat	0.2

Commodities	Parts per million
Sheep, meat	0.2
Sheep, mbyp	0.2
Sorghum, forage	2.0
Sorghum, grain	2.0
Squash, summer	0.5
Strawberries	2.0
Tomatoes	2.0
Walnuts	0.1

6. Section 180.263 is revised to read as follows:

§ 180.263 Phosalone; tolerances for residues.

Tolerances are established for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxazolinone)*O,O,*-diethyl phosphorodithioate) in or on the following raw agricultural commodities:

Commodities	Parts per million
Almond, hulls	50.0
Apples	10.0
Apricots	15.0
Artichokes	25.0
Cattle, fat	0.25
Cattle, meat	0.25
Cattle, mbyp	0.25
Cherries	15.0
Citrus fruits	3.0
Goats, fat	0.25
Goats, meat	0.25
Goats, mbyp	0.25
Grapes	10.0
Hogs, fat	0.25
Hogs, meat	0.25
Hogs, mbyp	0.25
Horses, fat	0.25
Horses, meat	0.25
Horses, mbyp	0.25
Nectarines	15.0
Nuts	0.1
Peaches	15.0
Pears	10.0
Plums (fresh prunes)	15.0
Potatoes	0.1
	(N)
Sheep, fat	0.25
Sheep, meat	0.25
Sheep, mbyp	0.25

7. Section 180.322 is revised to read as follows:

§ 180.322 2-Chloro-1-(2,4-dichlorophenyl) vinyl diethyl phosphate; tolerances for residues.

Tolerances are established for residues of the insecticide 2-chloro-1-(2,4-dichlorophenyl) vinyl diethyl phosphate in or on the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat	0.2
Eggs	0.005
Goats, fat	0.005
Hogs, fat	0.005
Horses, fat	0.005
Milk, fat (on a fat basis)	0.2
Poultry, fat	0.005
Sheep, fat	0.2

[FR Doc. 82-26463 Filed 9-28-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2602/R459; PH-FRL 2216-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Chlorothalonil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide chlorothalonil in or on certain raw agricultural commodities. This regulation to establish the maximum permissible levels for residues of the fungicide in or on the commodities was requested by Diamond Shamrock Corp.

EFFECTIVE DATE: Effective on September 29, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of January 18, 1982 (45 FR 1408) that Diamond Shamrock Corp., 1100 Superior Ave., Cleveland, OH 44114, had submitted a pesticide petition (PP 2F2602) to EPA. This petition proposed that tolerances be established for the combined residues of the fungicide chlorothalonil (2,4,5,6-tetrachloroisophthalonitrile) and its metabolite (4-hydroxy-2,5,6-trichloroisophthalonitrile) in or on the raw agricultural commodities stone fruits (apricots, cherries (sweet and sour)), damsons, nectarines, pawpaws, peaches, plums, and prunes) at 0.2 part per million (ppm). The petition was subsequently amended to list the individual commodities apricots at 0.5 ppm; cherries (sweet and sour) at 0.5 ppm; nectarines at 0.5 ppm; peaches at 0.5 ppm; plums at 0.2 ppm; and prunes at 0.2 ppm.

No comments were received in response to the notice of filing. An adequate analytical method for determining residues of chlorothalonil and its metabolite is available, gas chromatography with an electron capture detector, for enforcement purposes.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data on technical chlorothalonil considered in support of the tolerances included a 2-year dog feeding study with a no-observed-effect level (NOEL) of 60 ppm; a 2-year rat feeding study with a NOEL of 60 ppm with no oncogenic effects; a 3-generation rat reproduction study with a NOEL of 15,000 ppm (reproduction) and 1,500 ppm (lactation); a rabbit teratogenicity study with a NOEL of 62.5 mg/kg (HDT); five mutagenicity studies as follows: cell transformation in newborn rats, negative; mammalian cell gene point mutation, negative; Ames test, negative; in vitro mammalian point mutation, negative; and DNA repair, negative (except, it may interface with DNA repair in TA-1538 cells); and a rat oncogenicity study—NCI, carcinogenic in male and female Osborne-Medel rats, but not on $B_6C_3F_1$ mice at 10,126 ppm (HDT).

Deficiencies have been alleged in the report of the NCI study; however, the present tolerance regulation is based on the assumption that the NCI study is valid. In an Incremental Risk Assessment of the carcinogenic and chronic effects, the analysis showed that, based on the theoretical exposure associated with this tolerance, the carcinogenic upper limits of risk are about 1 in 10−7.

The toxicology data on the metabolite considered in support of the tolerances included a 90-day dog feeding study with a NOEL of less than 50 ppm; a rabbit teratogenicity study with a terata NOEL of greater than 5 mg/kg (HDT); and four mutagenicity studies as follows: a host-mediated assay in the mouse, negative; in vivo cytogenic in the mouse, negative; dominant lethal in the mouse, negative but a significant increase in early deaths at week 3 of mating (spermatid stage) was noted at 6.5 mg/kg/day; and dominant lethal in the rat, negative at 8 mg/kg/day for 5 days. Based on the dog feeding study, the NOEL is 60 ppm or 1.5 milligrams (mg)/kilogram (kg) of body weight (bw). Using a 100-fold safety factor, the acceptable daily intake (ADI) is 0.0150 mg/kg/of body weight/day and the maximum permissible intake (MPI) is 0.90 mg/day for a 60 kg. person. These tolerances utilize a maximum of 0.009% of the ADI; published and proposed tolerances utilize 86.99% of the ADI.

The pesticide is considered useful for the purpose for which the tolerances are