times. Toxicity Category IV. Mild to slightly irritating.

6. Dermal Sensitization in Guinea Pigs. The technical end-use product (TEP) was categorized as a mild sensitizer when administered undiluted to albino guinea pigs. The test material was considered a weak dermal sensitizer to albino guinea pigs.

7. Mutagenicity (Technical), Guideline No. 152B-17 was evaluated for the potential to cause gene mutations in the *S. typhimurium* strains at any dose (5, 50, 500, 5,000 micrograms/plate) with or without S-9 activation. The study was negative.

The exemption from the requirement of a tolerance on all raw agricultural commodities (RAC's) is toxicologically supported.

1. Azatin-EC is a botanical insect growth regulator isolated from the berries of the Neem tree (*Azadirachta indica*) which has a unique mode of action, low use volume, targeted species specificity, and is naturally occurring. Azadirachtin is an insect growth regulator whose mode of actions include disruption of molting and metamorphosis of chitin-bearing invertebrates, and it is an antifeedant.

2. This product is a powder formulation that is to be made into an aqueous flowable product for application. It will be used at 20 grams or less per acre.

3. Azatin-EC will be applied to a wide variety of crops, including vegetable crops, not to exceed 20 grams per acre.

A lack of demonstrable toxicity to azadirachtin insecticide indicates that its use to aid in the control of a wide variety of lepidoteran, coleoptera, diptera, thysanoptera, orthoptera, and homoptera pests would not result in hazards to public health. The data submitted or referenced in this petition and other relevant material have been evaluated. The toxciological data considered in support of the exemption from the requirements of a tolerance did not show any deleterious effects that would indicate a cause for concern from the use of this product.

The acceptable daily intake and maximum permissible intake considerations are not relevant to this petition because of the low toxicity/pathogenicity demonstrated in the submitted studies.

Azatin-EC is considered useful for the purpose for which the exemption from the requirment of a tolerance is sought. It is concluded that a tolerance for azadirachtin is not necessary to protect the public health. Therefore, 40 CFR part 180 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of 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. The objections submitted must specify the provisions of the regulation 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.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. 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 food additive regulations or raising tolerance levels or food additive regulations 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).

Dated: February 5, 1992.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 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 Subpart D, by adding new § 180.1119, to read as follows:

§ 180.1119 Azadirachtin; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for the biochemical azadirachtin, which is isolated from the berries of the Neem tree (*Azadirachta indica*), when used as a pesticide at 20 grams or less per acre on all raw agricultural commodities.

[FR Doc. 93-3593 Filed 2-16-93; 8:45 am]
BILLING CODE 6560-50-F

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40 CFR Part 180

[PP 2F4077/R1180; FRL-4185-5]

RIN 2070-AB78

Pesticide Tolerance for Clomazone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues for the herbicide clomazone [2-(2-chlorophenyl)-methyl-4,4-dimethyl-3-isoxazolidinone] in or on the raw agricultural commodity (RAC) cottonseed at 0.05 part per million (ppm). The regulation was requested by FMC Corp. and establishes the maximum permissible level for residues of the herbicide in or on cottonseed.

EFFECTIVE DATE: This regulation becomes effective February 17, 1993.

ADDRESSES: Written objectives, identified by the document control number, [PP 2F4077/R1180], may be submitted to: hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail, Robert J. Taylor, Product Manager (PM) 25, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6800.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of June 10, 1992 (57 FR 24645), which announced that the FMC Corp., Agricultural Chemical Group, 1735 Market St., Philadelphia, PA 19103, had submitted a pesticide petition (PP 2F4077) to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d), amend 40 CFR 180.425 by establishing a regulation to permit the residues of the herbicide clomazone [2-(2-chlorophenyl)-methyl-4,4-dimethyl-3-isoxazolidinone] in or on the raw

agricultural commodity (RAC) cottonseed at 0.05 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below were considered in support of this tolerance.

1. Several acute toxicology studies were performed, placing technical-grade clomazone in toxicity Category III.

2. A 2-year carcinogenicity study with mice fed dosages of 0, 3, 15, 75, 150, and 300 mg/kg/day with a no-observed-effect level (NOEL) of 15.0 mg/kg/day and a LEL of 75 mg/kg/day.

3. A 2-year chronic toxicity/oncogenicity study in rats fed dosages of 0, 1, 5, 25, 50, and 100 mg/kg/day with a NOEL of 15.0 mg/kg/day and a LEL of 75 mg/kg/day.

4. A 1-year feeding study in dogs fed dosages of 0, 2.5, 12.5, 62.5, and 187.5 mg/kg/day with a NOEL of 12.5 mg/kg/day, and a LEL of 62.5 mg/kg/day.

5. A developmental toxicity study in rats fed dosage levels of 0, 100, 300, and 600 mg/kg/day, with a maternal no-observed-effect level (NOEL) of 100 mg/kg/day, maternal lowest-effect level (LEL) of 300 mg/kg/day, and a fetotoxicity NOEL of 100 mg/kg/day, fetotoxic LEL of 300 mg/kg/day.

6. A developmental toxicity study in rabbits fed dosage levels of 0, 30, 240, and 1,000/700 mg/kg/day (1,000 changed to 700 on day 13 because of maternal toxicity) with negative results at the highest dose tested (HDT, 700 mg/kg/day) for teratogenic effects, maternal NOEL of 240 mg/kg/day, a maternal LEL of 700 mg/kg/day and a fetotoxicity NOEL of 240 mg/kg/day, fetotoxic LEL of 700 mg/kg/day.

7. Mutagenicity data include reverse gene mutation assays with *Salmonella* (negative), point mutation assays (weakly positive), an unscheduled DNA synthesis (negative), and a chromosomal aberration test (negative).

Based on the NOEL of 4.3 mg/kg bwt/day in the 2-year rat feeding study and using a hundred-fold uncertainty factor, the RfD (acceptable daily intake (ADI)) for clomazone is calculated to be 0.043 mg/kg bwt/day. The theoretical maximum residue contribution (TMRC) is 0.000028 mg/kg bwt/day for existing tolerances for the overall U.S. population. The current action will increase the TMRC by 0.000002 mg/kg bwt/day (0.002 percent of the RfD). These tolerances and previously established tolerances utilize a total of 0.066 percent of the ADI for the overall U.S. population.

For U.S. subgroup populations, nonnursing infants and childred aged 1 to 6 years, the current action and previously established tolerances utilize, respectively, a total of 0.253 percent and 0.128 percent of the ADI, assuming that residue levels are at the established tolerances and that 100 percent of the crop is treated.

The nature of the residue is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen phosphorus detector) is available for enforcement purposes in Vol. II of the Food and Drug Administration Pesticide Analytical Method (PAM II, Method I). There are currently no actions pending against the registration of this chemical. No secondary residues are expected to occur in meat, milk, poultry, or eggs from this use.

Based on the above information cited, the Agency has determined that the establishment of the tolerance by amending 40 CFR part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above (40 CFR 178.20). The objections submitted must specify the provisions of the regulation 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 such issues, and a summary of any evidence relied upon by the requestor (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).

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 food additive regulations or raising tolerance levels or food additive regulations 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 (40 FR 24950).

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 1, 1993.

Douglas D. Campt,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR part 180 is amended as follows:

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

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

2. Section 180.425 is amended in the table therein by adding and alphabetically inserting the raw agricultural commodity cottonseed, to read as follows:

§ 180.425 2-(2-Chlorophenyl)-methyl-4,4-dimethyl-3-isoxazolidinone; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Cottonseed	0.05
* * * * *	

[FR Doc. 93-3597 Filed 2-16-93; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 0F3869/R1177; FRL-4182-6]

RIN 2070-AB78

Pesticide Tolerance for 1-[[2-(2,4-Dichlorophenyl)-4-Propyl-1,3-Dioxolan-2-yl]Methyl]-1H-1,2,4-Triazole and its Metabolites Determined as 2,4-Dichlorobenzoic Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a tolerance for residues for the fungicide

1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2yl]methyl]-1H-1,2,4-triazole and its metabolites determined as 2,4-dichlorobenzoic acid in or on celery at 5.0 parts per million (ppm). This regulation was requested by Ciba-Geigy Corp. in a petition and would establish the maximum permissible levels for residues of propiconazole in or on the commodity.

EFFECTIVE DATE: This regulation becomes effective on February 3, 1993.

ADDRESSES: Written objections, identified by the document control number, [PP 0F3869/R1177], may be submitted to: hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail, Susan T. Lewis, Product Manager (PM) 21, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, contact: Susan T. Lewis, Product Manager (PM 21), Registration Division (H7505C), Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6900.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of July 18, 1990 (55 FR 29268), which announced that the Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419, had submitted a tolerance pesticide petition (PP 0F3869) to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d), propose to amend 40 CFR 180.434 by establishing a tolerance for the fungicide 1-[[2(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites, determined as 2,4-dichlrobenzoic acid, in or on celery at 5.0 ppm.

There were no comments received in response to the notice of filing. The toxicological data considered in support of the tolerance include the following:

1. Plant and animal metabolism studies.

2. Residue data for crop and livestock commodities.

3. Two enforcement methodologies and a multiresidue method of analysis.

4. A rat oral lethal dose (LD_{50}) of 1,517 milligrams/kilogram (mg/kg) of body weight.

5. A 90-day rat feeding study with a no-observed-effect level (NOEL) of 12 mg/kg/day.

6. A 90-day dog feeding study with a NOEL of 1.25 mg/kg/day.

7. A rabbit developmental toxicity study with a maternal NOEL of 100 mg/kg and a developmental toxicity greater than 400 mg/kg (highest dose tested).

8. A rat teratology study with a maternal toxicity NOEL of 30 mg/kg/day and a developmental toxicity NOEL of 30 mg/kg/day.

9. A two-generation rat reproduction study with a reproductive NOEL of 125 mg/kg/day (HDT) and a developmental NOEL of 25 mg/kg/day.

10. A 1-year dog feeding study with a NOEL of 1.25 mg/kg of body weight/day.

11. A 2-year rat chronic feeding/carcinogenicity study with a NOEL of 5 mg/kg/day with no carcinogenic potential under the conditions of the study up to and including approximately 125 mg/kg, the highest dose tested.

12. A 2-year mouse chronic feeding/carcinogenicity study with a NOEL of 15 mg/kg/day and with a statistically significant increase in combined adenomas and carcinomas of the liver in male mice at approximately 375 mg/kg, the highest dose tested.

13. Ames test with and without activation, negative.

14. A mouse dominant-lethal assay, negative.

15. Chinese hamster nucleus anomaly, negative.

16. Cell transformation assay, negative.

As part of EPA's evaluation of potential human health risks, propiconazole has been the subject of five peer reviews of the Office of Pesticide Programs Peer Review Committee and one Scientific Advisory Panel (SAP) meeting. Propiconazole was originally evaluated by the Peer Review Committee on January 15, 1987 and classified as a Group C (possible human) carcinogen with a recommendation made for the quantification of estimated potential human risk using a linearized low-dose extrapolation. The method resulted in the establishment of a $Q1^*$ of 7.9×10^{-2} $(mg/kg/day)^{-1}$.

The Peer Review Committee's decision was presented to the FIFRA Scientific Advisory Panel on March 2, 1988. The Panel did not concur with the committee's overall assessment of the weight-of-evidence on the carcinogenicity of propiconazole. The Panel recommended placing the chemical in Group D. The Panel concluded that the Category (Group C) classification was based on minimal evidence. The Panel's determination that EPA's Group C classification was based on minimal evidence, citing the fact that the incidence of liver tumors in male mice only occurred when the mice were given an excessive chemical dose.

In the second, third, and fourth Peer Reviews that followed, the Peer Review group considered recommendations of the SAP as well as rebuttals by the registrant. It's conclusion, however, that propiconazole should be classified as a Group C carcinogen with a quantification of potential human risk remained unchanged.

As part of a fifth Peer Review, EPA considered additional information provided by the registrant in support of its argument that the high-dose was excessively toxic in the mouse carcinogenicity study and thus should not be included in the evaluation of carcinogenic potential of propiconazole In support of this argument, the registrant provided two subchronic oral toxicity studies in mice. Ciba-Geigy also provided a reread of the pathology slides from one study which it felt indicated sufficient concurrent liver toxicity at 2,500 ppm to document that this dose was excessive. These findings were not present in the original pathology report.

Due to the inconsistency in Ciba-Geigy's report and the original report, the Agency requested that an independent (third) evaluation of the pathology slides be made to determine if the pathology reported could be confirmed. The results of the independent (third) pathology evaluation were used in the fifth Peer Review in place of data resulting from the earlier evaluations provided by Ciba-Geigy.

The Peer Review Committee considered the following facts regarding the toxicology data on propiconazole in a weight-of-evidence determination of carcinogenic potential: Increase numbers of adenomas (increased trend and pairs comparison) were found in the livers of male CD1 mice given 2,500 ppm of propiconazole in the diet; the treated animals had earlier fatalities than the controls; the numbers of carcinomas were increased (trend only) in male mice at the 2,500-ppm dose level; tumors were not significantly increased at the 500-ppm dose; although the adenomas observed in the treated animals were larger and more numerous than those in controls, the tumor type (adenomas) was the same; an excessive number of tumors was not found in female mice.

The Peer Review Committee determined that based on the additional information submitted by Ciba-Geigy from two 90-day subchronic studies in mice that: The 2,500 ppm used in the 2-year chronic study exceeded the MTD based on the endpoint of hepatic necrosis, and the 500 ppm used in the chronic study was inadequate to assess

the carcinogenicty of propiconazole. Based on the third pathology evaluation of the chronic study, the Peer Review Committee disagreed with Ciba-Geigy's argument that that study showed excessive toxicity at the 2,500-ppm dose. However, the Peer Review Committee concluded that the 90-day subchronic studies are a better measure of what would be an MTD.

Based upon these findings, the Peer Review Committee agreed that the classification for propiconazole should remain a Group C possible human carcinogen. For the purpose of risk characterization the Peer Review Committee recommended that the Reference Dose (RfD) approach should be used for quantification of human risk. This decision was based on the disqualification of the high dose (2,500 ppm), making the data inappropriate for the calculation of a $Q1^*$. Because the middle dose (500 ppm) was not considered sufficiently high enough for assessing the carcinogenic potential of propiconazole, EPA has requested an additional mouse study at intermediate dose levels in male mice only. EPA does not expect that these data will significantly change the above cancer assessment.

A Dietary Risk chronic exposure analysis was conducted for the use of propiconazol on celery. The analysis used a Reference Dose (RfD) of 0.013 mg/kg body weight (bwt)/day, based on a no-observed-effect-level (NOEL) of 1.25 mg/kg/bwt/day and an uncertainty factor of 100. The NOEL was taken from a 1-year feeding study in dogs which demonstrated as an effect irritation of the stomach in males. This RfD was previously approved by the Agency. The food uses and anticipated residues used in the analysis were obtained from data contained in the Agency's files. The Dietary Risk Analysis can use tolerance level residues and 100-percent crop treated to calculate the Theoretical Maximum Residue Contribution (TMRC) for the overall U.S. population and 22 population subgroups.

Here, anticipated residues and refined percent-crop-treated information were used to estimate the Anticipated Residues Contribution (ARC) for those same Dietary Exposure Analysis populations. The ARC is considered the more accurate estimate of dietary exposure. The ARC from published uses of propiconazole for the overall U.S. population is 0.000014 mg/kg bwt/day. This exposure utilizes approximately 0.1 percent of the RfD. Based on the proposed tolerance level, the use of propiconazole on celery contributes an additional 0.000305 mg/kg bwt/day (2.3 percent of the RfD) to the exposure, which raises the overall ARC to 0.000318 mg/kg bwt/day, or 2.45 percent of the RfD. The subgroup most highly exposed, children aged 1 through 6 years, has an ARC from published uses of 0.000041 mg/kg bwt/day, or 0.3 percent of the RfD. The proposed use on celery raises the exposure for that subgroup to 0.000440 mg/kg bwt/day, or 3.4 percent of the RfD.

The nature of the residue is adequately understood, and an adequate analytical method (gas chromatography) is available for enforcement purposes. Because of the long lead time from establishing these tolerances and food additive regulations to publication of the enforcement methodology in the Pesticide Analytical Manual, Vol. II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from: Calvin Furlow, Public Information Branch, Field Operations Division (H7506C), 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1128C, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5232.

The pesticide is considered useful for the purpose for which the tolerance is being sought. Based on the information and data considered, the Agency concludes that the amendment of the tolerance for celery will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above (40 CFR 178.20). The objections submitted must specify the provisions of the regulation 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 such issues, and a summary of any evidence relied upon by the requestor (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).

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 food additive regulations or raising tolerance levels or food additive regulations 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 (40 FR 24950).

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 3, 1993.

Douglas D. Campt,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR part 180 is amended as follows:

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

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

2. Section 180.434 is amended in the table therein by adding and alphabetically inserting the following raw agricultural commodity, to read as follows:

§ 180.434 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole; tolerances for residues.

* * * * *

Commodity	Parts per million	Expiration date
* * *	*	*
Celery	5.0	.....
* * *	*	*

[FR Doc. 93-3545 Filed 2-16-93; 8:45 am]

BILLING CODE 6560-60-F

40 CFR Part 180

[OPP-300272A; FRL-4183-5]

RIN 2070-AB78

Tetrapotassium Pyrophosphate; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of tetrapotassium pyrophosphate (CAS Reg. No. 7320-345) when used as an inert ingredient (sequestrant, anticaking agent, or conditioning agent) in pesticide formulations applied to growing crops only. This regulation was requested by the Monsanto Co.

EFFECTIVE DATE: This regulation becomes effective February 17, 1993.

ADDRESSES: Written objections, identified by the document control number, (OPP-300272A), may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, rm. M3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Rosalind Gross, Registration Support Branch, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 724A, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-5971.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 16, 1992 (57 FR 59829), EPA issued a proposed rule that gave notice that the Monsanto Co., suite 1100, 700 14th St., NW., Washington, DC 20005, had submitted pesticide petition (PP) 1E03984 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for residues of tetrapotassium pyrophosphate ((CAS Reg. No. 7320-345), also known as potassium pyrophosphate) when used as an inert ingredient (sequestrant, anticaking agent, or conditioning agent) not to exceed 10 percent in pesticide formulations applied to growing crops only.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance exemption will protect the public health. Therefore, the tolerance exemption is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above (40 CFR 178.20). The objections submitted must specify the provisions of the regulation 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 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 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).

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

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

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 1, 1993.

Douglas D. Campt,

Director, 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. Section 180.1001(d) is amended in the table therein by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* *	* *
Tetrapotassium pyrophosphate (CAS Reg. No. 7320-345)	Not to exceed 10 percent of formulation.	Sequestrant, anticaking agent, conditioning agent
* * *	* *	* *

* * * * *

[FR Doc. 93–3599 Filed 2–16–93; 8:45 am]
BILLING CODE 8560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 93–22]

Antidrug Abuse Act of 1988 Certification Requirements

In the matter of Amendment of § 1.2002 of the Commission's Rules.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action is to conform our rules to be consistent with of the Anti-Drug Abuse Act of 1988. The intended effect is to specifically exempt federal, state or local governmental entities or subdivisions thereof from the certification requirements of the Commission's rules implementing the Anti-Drug Abuse Act of 1988.

EFFECTIVE DATE: February 17, 1993.

FOR FURTHER INFORMATION CONTACT: Sharon Diskin, Office of General Counsel, Federal Communications Commission (202) 632–6990.

SUPPLEMENTARY INFORMATION:

Order

Adopted: January 13, 1993; *Released:* February 5, 1993.

By the Commission:

1. By this Order we amend § 1.2002(c) of our rules. This section implements section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862.

2. Section 5301 of the Anti-Drug Abuse Act of 1988 gives federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Under § 1.2002 of the Commission's Rules, 47 CFR 1.2002, an applicant for any new, modified, and or renewed instrument of authorization from the Commission must, in order to be eligible, certify that neither the applicant nor any party to the application is subject to a section 5301 denial of benefits.

3. By its terms, the only licenses section 5301 applies to are "professional" and "commercial" licenses. 21 U.S.C. 862 (d)(1)(A). Instruments of authorization obtained from the Commission by federal, state or local governmental entities or subdivisions thereof are not used for professional or commercial purposes and, therefore, these entities should be exempt from the certification requirements of our rules.

4. Because this rule change simply conforms our rules to the statute, and is a minor and non-controversial amendment in which the public is not likely to be interested, we find for good cause that compliance with the notice and comment provisions of the Administrative Procedure Act is unnecessary. See 5 U.S.C. 553(b)(B). For similar reasons, and because the amendment relieves a restriction, compliance with the effective date provision of the Administrative Procedure Act also is unnecessary. 5 U.S.C. 553(d).

5. Accordingly, pursuant to sections 4(i), 4(j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303(r), and the Anti-Drug Abuse Act of 1988, as amended, 21 U.S.C. 862, *It is ordered* That § 1.2002(c) of the Commission's Rules, 47 CFR 1.2002(c) is amended as set forth in the appendix, effective upon publication in the **Federal Register**.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Change

Title 47 of the Code of Federal Regulations, part 1, is amended to read as follows:

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552, unless otherwise noted.

2. Paragraph (c) of § 1.2002 is revised to read as follows:

§ 1.2002 Applicants required to submit information.

* * * * *

(c) The provisions of paragraphs (a) and (b) of this section are not applicable to the Amateur Radio Service, the Citizens Band Radio Service, the Radio Control Radio Service, to users in the Public Mobile Services and the Private Radio Services that are not individually licensed by the Commission, or to federal, state or local governmental entities or subdivisions thereof.

[FR Doc. 93–3560 Filed 2–16–93; 8:45 am]
BILLING CODE 6712–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Parts 701, 706, 716, 719, 726, 733 and 752

[AIDAR Notice 93–1]

Miscellaneous Amendments

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The Agency for International Development Acquisition Regulation (AIDAR) is being amended to reference the current OMB approval expiration date for AIDAR 752.7033; correct an obsolete office title; provide general guidance on content and signatory authority for determinations and findings; to bring the authority citations for AID's Disadvantaged Enterprise Program up to date; to remove obsolete material concerning AID protest procedures; and to remove a reference to an obsolete AID emblem.

EFFECTIVE DATE: March 19, 1993.

FOR FURTHER INFORMATION CONTACT: FA/PPE, Mr. James M. Kelly, room 1600I, SA–14, Agency for International Development, Washington, DC 20523–1435. Telephone: (703) 875–1534.

SUPPLEMENTARY INFORMATION: The contract clause at AIDAR 752.7033 concerning physical fitness of contractor employees requires use of an information collection form. OMB approval of the referenced form has been extended through May 31, 1995. AIDAR 701.105(a) which lists AIDAR information collections and recordkeeping requirements is amended to reflect this new expiration date.

AIDAR 701.601 is amended to correct an obsolete office title.

New coverage concerning determinations and findings (D&F's) is added. This new coverage supplements the corresponding FAR coverage by providing AID Contracting Officers with guidance on form and content of D&F's, by providing general guidance on signatory authority for D&F's, and by designating Contracting Officers as being authorized to sign the D&F for a cost-plus fixed-fee contract under FAR 16.306(c).

The authority citation for AID's Disadvantaged Enterprise Program is

being amended to delete references to specific legislation. Appropriations acts in general are cited as the authority.

In subpart 733.70, AID's protest procedures, AIDAR 733.7006(d) is being removed. This paragraph excluded Contracting Officer determinations of responsibility from consideration. Upon review, we determined that was not in strict conformance with the latest GAO guidelines or FAR coverage.

The contract clause at AIDAR 752.7009 is amended to remove a reference to the discontinued AID handclasp emblem.

The changes being made by this Notice are editorial and administrative and are not considered significant rules under FAR 1.301 or subpart 1.5, nor major rules as defined in Executive Order 12291. This Notice will not have an impact on a substantial number of small entities, nor does it establish any information collection as contemplated by the Regulatory Flexibility Act and Paperwork Reduction Act. Because of the nature and subject matter of this Notice, use of the proposed rule/public comment approach was not considered necessary. We decided to issue as a final rule; however, we welcome public comment on the material covered by this Notice or any other part of the AIDAR at any time. Comments or questions may be addressed as specified in the "FOR FURTHER INFORMATION CONTACT" section of the preamble.

List of Subjects in 48 CFR Parts 701, 706, 716, 719, 726, 733, and 752

Government procurement.

Accordingly for the reasons set out in the Preamble, 48 CFR chapter 7 is amended as follows:

1. The authority citations in parts 701, 706, 716, 719, 726, 733, and 752 continue to read as follows:

Authority: Sec. 621, Public Law 87–195, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673, 3 CFR 1979 Comp., p. 435.

PART 701—FEDERAL ACQUISITION REGULATION SYSTEM

Subpart 701.7—Purpose, Authority, Issuance

701.105 [Amended]

2. Paragraph (a) of section 701.105, OMB approval under the Paperwork Reduction Act, is amended by removing the May 31, 1992 expiration date shown for OMB Control Number 0412–0536 and adding May 31, 1995.

Subpart 701.6—Contracting Authority and Responsibility

701.601 [Amended]

3. Paragraph (b)(4) of section 701.601, General, is amended by removing "MS/PPE" and adding "FA/PPE".

4. A new subpart 701.7 is added to read as follows:

Subpart 701.7—Determinations and Findings

SUBPART 701.7—DETERMINATIONS AND FINDINGS

701.704 Content.

There is no AID-prescribed format or form for determinations and findings (D&Fs). D&Fs are to contain the information specified in FAR 1.704 and any information which may be required by the FAR or AIDAR section under which the D&F is issued.

701.707 Signatory authority.

Unless otherwise specified in the FAR or AIDAR section under which the D&F is issued, the Contracting Officer is the signing official.

PART 706—COMPETITION REQUIREMENTS

Subpart 706.3—Other Than Full and Open Competition

5. Section 706.302–5 is revised as follows:

706.302–5 Authorized or required by statute.

Annual appropriations acts authorize AID to contract with certain disadvantaged enterprises using other than full and open competition. The provisions implementing this authority are set forth in 706.302–71 and part 726.

6. Paragraph (a)(1) of section 706.302–71 is revised as follows:

706.302–71 Small disadvantaged businesses.

(a) * * *

(1) Citation: Fiscal year 1993 Foreign Operations, Export Financing, and Related Programs Appropriations Act, Sec. 563.

* * * * *

PART 716—TYPES OF CONTRACTS

Subpart 716.3—Cost Reimbursement Contracts

7. A new section 716.306 is added to read as follows:

716.306 Cost-plus-fixed-fee contracts.

(a)–(b) [Reserved]

(c) The Contracting Officer is authorized to sign the D&F specified in FAR 16.306(c)(2).

PART 719—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

8. Section 719.272 is revised to read as follows:

719.272 Small disadvantaged business policies.

In addition to the requirements in FAR part 19, part 726 provides for contracting and subcontracting with small disadvantaged businesses and other disadvantaged enterprises based on provisions of the foreign assistance appropriations acts.

PART 726—OTHER SOCIOECONOMIC PROGRAMS

9. Section 726.000 is revised as follows:

726.000 Scope of part.

This part supplements FAR part 19 and implements the provisions of the foreign assistance appropriations acts concerning disadvantaged enterprises which require, in general, that not less than ten percent of the aggregate amount made available for development assistance and for assistance for famine recovery and development in Africa shall be made available to disadvantaged enterprises. See part 705 and part 706 for additional provisions on publicizing contract actions and using other than full and open competition.

Subpart 726.1—General

10. Section 726.104 is revised as follows:

726.104 Exceptions.

The notification requirement in 705.207 and the subcontracting requirement in 726.301 are based on statutory requirement and may not be deviated from under the provisions of subpart 701.4. By statute, the Administrator or designee may determine that these requirements do not apply to a particular contract or category of contracts. The Procurement Executive has been designated to make such determinations. One such determination concerning subcontracting is set out in 726.301(b).

PART 733—PROTESTS, DISPUTES AND APPEALS

Subpart 733.70—AID Procedures for Protests

733.7006 [Amended]

11. Section 733.7006 is amended by removing paragraph (d), and by redesignating paragraphs (e), (f), (g), and (h) as paragraphs (d), (e), (f), and (g).

PART 752—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 752.70—Texts of AID Contract Clauses

752.7009 [Amended]

12. The contract clause in section 752.7009, Marking, is amended by changing the clause date from "(APR 1984)" to "(JAN 1993)", and by amending paragraph (a) of the clause by removing the words "* * * red, white and blue handclasp * * *".

Dated: January 12, 1993

John F. Owens,

Procurement Executive.

[FR Doc. 93–3532 Filed 2–16–93; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

50 CFR Parts 611 and 675

[Docket No. 921185–3021]

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final 1993 initial specifications of groundfish and prohibited species catch allowances; closures.

SUMMARY: NMFS announces final specifications of total allowable catches (TACs), initial apportionments of TAC for each category of groundfish, and associated management measures in the Bering Sea and Aleutian Islands Area (BSAI) during the 1993 fishing year. This action is necessary to establish harvest limits for groundfish during the 1993 fishing year and associated management measures. NMFS also is closing specified fisheries consistent with the final 1993 groundfish specifications and fishery bycatch allowances of prohibited species. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI area.

DATES: Effective February 11, 1993 through 24:00 Alaska local time, on December 31, 1993, or until changed by subsequent notice in the **Federal Register**.

ADDRESSES: Comments on directed fishing closures should be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, Service, P.O. Box 21668, Juneau, Alaska 99802–1668 (Attn: Lori Gravel). The final Environmental Assessment prepared for the 1993 TAC specifications may be obtained from the same address, or by calling 907–586–7228. The final Stock Assessment and Fishery Evaluation (SAFE) report may be requested from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone 907–271–2809.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, Fisheries Management Division, Alaska Region, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: Groundfish fisheries in the BSAI are governed by Federal regulations (50 CFR 611.93 and 675) that implement the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by the Secretary of Commerce (Secretary) under the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The FMP and implementing regulations require the Secretary, after consultation with the Council, to specify annually the TAC, initial domestic annual harvest (DAH), and initial total allowable level of foreign fishing (TALFF) for each target species and the "other species" category for the succeeding fishing year (§ 675.20(a)(7)). The sum of the species' TACs must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 675.20(a)(2)). For 1993, the sum of TACs is equal to 1,998,620 mt, as indicated in Table 1.

Proposed initial TAC, reserve, DAH, and TALFF amounts for the 1993 fishing year were published in the **Federal Register** on December 7, 1992 (57 FR 57718). Comments were invited through January 4, 1993. No written comments were received within the comment period. Oral comments were received, and public consultation with the Council occurred during the Council meeting in Anchorage, Alaska, on December 8–13, 1992. Council recommendations and biological and economic data that were available at the Council's December meeting were considered in implementing these final 1993 specifications.

The specified TAC for each species is based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC), at their September and December 1992 meetings, reviewed current biological information about the condition of groundfish stocks in the BSAI. This information was compiled by the Council's BSAI groundfish Plan Team and presented in the 1993 SAFE report for the BSAI groundfish fisheries. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters. From these data and analyses, the Plan Team estimates an acceptable biological catch (ABC) for each species category.

A summary of preliminary ABCs for each species for 1993 and other biological data from the September 1992 draft SAFE report were provided in the discussion supporting proposed 1993 specifications (57 FR 57718, December 7, 1992). The Plan Team's recommended ABCs were reviewed by the SSC, AP, and Council at their September 1992 meetings. Based on the SSC's comments concerning technical methods and new biological data not available in September, the Plan Team revised its ABC recommendations in the final SAFE report dated November 1992. The revised ABC recommendations were again reviewed by the SSC, AP, and Council at their December 1992 meetings. While the SSC endorsed most of the Plan Team's recommendations for 1993 ABCs set forth in the final SAFE report, the SSC recommended revisions to ABC amounts calculated for Aleutian Basin pollock, Pacific cod, and Atka mackerel. With the exception of Atka mackerel, the Council adopted the SSC's recommendations for 1993 ABCs. The recommended ABCs, listed in Table 1, reflect harvest amounts that would not cause overfishing as defined in the FMP. A brief discussion of the SSC's revisions to the ABCs recommended by the Plan Team and the Council's ABC recommendation for Atka mackerel follows:

Aleutian Basin (Bogoslof) Pollock

The Plan Team indicated in the final SAFE report that the current biomass (B) of Aleutian Basin pollock (650,000 mt), as predicted by a stock cohort analysis, is about 10 percent of the largest observed biomass and well below former "pristine" biomass levels (B_{MSY}).