

oxytetracycline calcium complex and oxytetracycline hydrochloride in or on pears. This amendment removes the 0.1 part per million (ppm) tolerance for residues of oxytetracycline complex in or on pears resulting from application of the pesticide up to 60 days before harvest and retains a 0.35 ppm tolerance for residues of oxytetracycline in or on pears. This regulation was requested by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on April 1, 1987

ADDRESS: Written objections, identified by the document control number [PP 5E3244/R874], 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:

By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington DC 20460.

Office location and telephone number: Rm. 718, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-2310).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the Federal Register of January 29, 1987 (52 FR 2955), which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, submitted pesticide petition 5E3244 to EPA on behalf of Dr. Robert Kupelian, National Director, IR-4 Project and the Agricultural Experiment Stations of California and Washington which proposed that the established tolerance for residues of the pesticide oxytetracycline calcium complex in or on the raw agricultural commodity pears be amended by deleting reference to the minimum number of days the pesticide may be applied prior to harvest. The tolerance is currently established in 40 CFR 180.337 at a level of 0.1 ppm in or on the raw agricultural commodity pears from spray applications of the pesticide up to 60 days before harvest. 40 CFR 180.337 also lists a tolerance for residues of oxytetracycline on pears at 0.35 ppm resulting from application of oxytetracycline hydrochloride as a tree infusion after harvest and prior to formation of new blooms. The petitioner proposed that the preharvest interval (i.e., "up to 60 days prior to harvest") be deleted from the tolerance expression and instead be regulated as part of the pesticide product labeling. The Agency concludes that it is not necessary to

include the method of application and the time at which treatment may occur in the tolerance rule for oxytetracycline since these limitations are regulated as part of the labeling for the pesticide product. Additionally, the Agency concludes that the tolerance should be expressed as residues of oxytetracycline rather than oxytetracycline hydrochloride and the oxytetracycline complex as currently expressed. The modification which revises the manner in which residues are expressed obviates the need for two separate tolerances for pears. Consequently, only the higher tolerance level of 0.35 ppm will be retained. The existing tolerance for peaches is expressed as residues of oxytetracycline, thus, such a revision would make 40 CFR 180.337 more consistent.

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

The data submitted and other relevant information have been evaluated and discussed in the proposed rulemaking. Based on the data and information considered, the Agency concludes that the regulation will protect the public health. Therefore the regulation 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. 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.

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: March 23, 1987
 Edwin F. Tinsworth,
 Acting 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.
- 2. Section 180.337 is revised to read as follows:

§ 180.337 Oxytetracycline; tolerances for residues.

Tolerances are established for residues of the pesticide oxytetracycline in or on the following raw agricultural commodities:

Commodities	Parts per million
Peaches.....	0.1
Pears.....	0.35

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40 CFR Part 799

[OPTS-47002G; FRL-3178-8]

Chlorinated Benzenes; Final Test Rule; Modification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In accordance with 40 CFR 790.55, EPA is modifying the test rule reporting requirements for submission of study plans for the reproductive effects testing of 1,2- and 1,4-dichlorobenzene and the reporting requirements for submission of the final test data for the developmental toxicity testing of 1,2,4,5-tetrachlorobenzene promulgated under section 4 of the Toxic Substances Control Act (TSCA).

EFFECTIVE DATE: Effective on April 1, 1987

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, (202) 554-1404.

SUPPLEMENTARY INFORMATION: EPA promulgated a final test rule in the Federal Register of July 8, 1986 (51 FR 24657) requiring health effects testing of certain chlorinated benzenes. EPA is

modifying the reporting requirements for the dichlorobenzenes (DCBs) test rule at 40 CFR 799.1052 and for the 1,2,4,5-tetrachlorobenzene (1,2,4,5-TCB) test rule at 40 CFR 799.1054.

I. Dichlorobenzenes

On November 7 1986, the Chlorobenzene Producers Association (CPA) and the Chemical Manufacturers Association Chlorobenzenes Program Panel (CMA-CPP) petitioned EPA under section 21 of TSCA to reconsider and withdraw the July 8, 1986 test rule for reproductive effects testing of 1,2- and 1,4-dichlorobenzene (Ref. 1). The Agency denied the CPA and CMA-CPP petition. The basis for the Agency's decision was published in the *Federal Register* of February 13, 1987 (52 FR 4622).

The petitioners also requested an extension of the reporting deadline for submission of test data (Ref. 1). The petitioners suggested that the Agency delay the deadline date for submission of final reports until a date 29 months after a decision was reached on the petition, thereby preserving the original period between the effective date of the rule and the deadline for final reports. The Agency believes that there is sufficient time to conduct the reproductive studies on the DCBs and to submit the final reports by the existing reporting deadline of January 21, 1989. Therefore, in the notice denying the petition, EPA also denied the petitioners' request for an extension of the reporting deadline for submission of test data for the reproductive effects studies on the DCBs. However, the Agency decided to waive the requirement that the study plans be submitted no later than 45 days before the start of the studies in order to allow the test sponsors to begin the studies immediately. Instead, the study plans would be submitted no later than the start of the studies.

Because the modification to the reporting requirements for submission of the study plans for the reproductive effects studies for the DCBs clearly does not pose any substantive issues, the Agency in accordance with the procedures in 40 CFR 790.55 approved this modification without public comment so as not to delay the conduct of the testing. In accordance with the procedures in 40 CFR 790.55, EPA is publishing the modification to the reporting requirements for submission of the study plans for the reproductive effects studies for the DCBs in the *Federal Register* through this document.

II. 1,2,4,5-Tetrachlorobenzene

On August 18, 1986, a letter on behalf of Standard Chlorine Chemical Co., Inc. was submitted to EPA requesting reconsideration of the July 8, 1986 test rule for developmental toxicity and reproductive effects testing of 1,2,4,5-TCB (Ref. 2). On January 7 1987 EPA responded by letter that the Agency had decided not to reopen the rulemaking for 1,2,4,5-TCB (Ref. 3).

Standard Chlorine also requested an extension of the reporting deadlines for submission of the final test data from the date of EPA's decision on its reconsideration request (Ref. 4). Because of the time necessary to respond to their letter, the Agency stated in its January 1987 letter that EPA had decided to extend the reporting deadline for submission of the final report for the developmental toxicity study for 1,2,4,5-TCB by 4 months (i.e., to December 21, 1987) to allow sufficient time for conduct of this study and submission of the final report. EPA believes that there is sufficient time for the conduct of the reproductive effects study for 1,2,4,5-TCB and submission of the final report by the existing deadline of January 21, 1989, and therefore decided not to extend the reporting deadline for this study.

The Agency determined that obtaining comment on the modification to the reporting requirement for submission of the final test data for the developmental toxicity study for 1,2,4,5-TCB would be impracticable and would further delay the start of testing. Therefore, the Agency approved this modification without public comment. In accordance with the procedures in 40 CFR 790.55, EPA is publishing in this *Federal Register* notice the modification to the reporting requirements for submission of the final test data from the developmental toxicity study on 1,2,4,5-TCB.

III. Public Record

A. Supporting Documentation

EPA has established a public record for this rulemaking [docket number OPTS-47002G]. The record includes the information considered by the Agency in developing this decision.

B. References

(1) Chlorobenzene Producers Association and the Chemical Manufacturers Association Chlorobenzenes Program Panel. Petition for reconsideration and partial withdrawal of final test rule for 1,2- and 1,4-dichlorobenzene. (November 7 1986).

(2) Paul, Hastings, Janofsky and Walker. Letter from Charles A. Patrizia to Edwin Tinsworth, U.S. EPA. (August 18, 1986).

(3) U.S. Environmental Protection Agency. Letter from Charles L. Elkins to Charles A. Patrizia of Paul, Hastings, Janofsky and Walker. (January 7 1987).

(4) Paul Hastings, Janofsky and Walker. Letter from R. Bruce Dickson to Charles Elkins, U.S. EPA. (October 11, 1986)

The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in Rm. G-004, NE Mall, 401 M St., SW., Washington, DC 20460.

List of Subjects in 40 CFR Part 799

Testing, Environmental protection, Hazardous substances, Chemicals Recordkeeping and reporting requirements.

Dated: March 24, 1987.

John A. Moore,
Assistant Administrator for Pesticides and Toxic Substances.

PART 799—[AMENDED]

Therefore, 40 CFR Part 799 is amended as follows:

1. The authority citation for Part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. In § 799.1052 by adding new paragraph (d)(1)(ii)(C), to read as follows:

§ 799.1052 Dichlorobenzenes.

- (d)
- (1)
- (ii)

(C) Study plans shall be submitted to the Agency no later than the initiation of each of the tests.

3. In § 799.1054 by revising paragraph (c)(2)(ii)(A), to read as follows:

§ 799.1054 1,2,4,5-Tetrachlorobenzene.

- (c)
- (2)
- (ii)

(A) The developmental toxicity testing shall be completed and the final results submitted to the Agency within 16 months of the effective date of the test rule.

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