public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 5, Air Programs Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Alvin Choi, Permits and Grants Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886–3507.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Ozone, Sulfur dioxide, Volatile organic compounds.

Dated: March 28, 1997.

Valdas V. Adamkus,

Regional Administrator.

Therefore the amendment to 40 CFR part 52 which added § 52.770(c)(109) is withdrawn.

[FR Doc. 97–9146 Filed 4–8–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300471; FRL–5599–8]

RIN 2070–AB78

Imazapyr; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This document establishes tolerances for the residues of the herbicide imazapyr, [2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid], applied as the acid, in or on field corn. American Cyanamid submitted a petition to EPA under the Federal Food, Drug and Cosmetic Act as amended by the Food Quality Protection Act of 1996 requesting the tolerances.

DATES: This rule becomes effective April 9, 1997. Written objections must be submitted by June 9, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300471], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M. St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to : opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [OPP–300471]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit IX of this document.

FOR FURTHER INFORMATION CONTACT: By Mail: Philip V. Errico, Product Manager (PM) 25, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: Rm. 241, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703) 305–6027; e-mail: errico.philip@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 12, 1996 (61 FR 66658)(FRL–5576–9) EPA issued a notice announcing that American Cyanamid, P.O. Box 400, Princeton, NJ 08543 had submitted pesticide petition 6F4641 which requested that the Administrator, pursuant to section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA), and in conformity with the Food Quality Protection Act (FQPA) of 1996, amend 40 CFR part 180 to establish tolerances for residues of imazapyr [2-[4,5-dihydro-4-methyl-4(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid], applied as the acid in or on field corn grain, fodder, and forage at 0.05 ppm. The notice contained a summary of the petition prepared by the petitioner, American Cyanamid, including information and arguments to support their conclusion that the petition complied with FQPA. It was stated in the notice that the conclusions and arguments were not EPA's.

There were no comments received in response to the notices of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data listed below were considered in support of these tolerances.

I. Toxicology Profile

1. A battery of acute toxicity studies placing technical imazapyr in toxicity category I for eye irritation, category IV for oral LD_{50} and primary dermal irritation, category III for dermal and inhalation LD_{50}.

2. A 90–day rat feeding study at doses of 0, 15,000, or 20,000 ppm (males= 0, 1,248, or 1,695 milligrams per kilogram per day (mg/kg/day); females 0, 1,423, or 1,784 mg/kg/day) with a no-observed-effect level (NOEL) of 1,695 mg/kg/day the highest dose tested (HDT).

3. A 21-day rabbit dermal toxicity study at doses of 0, 100, 200, or 400 mg/kg/day which showed occasional statistically significant findings but these had no consistent pattern of toxicity. The NOEL was determined to be 400 mg/kg/day HDT.

4. A 1-year dog chronic toxicity study at doses of 0, 25, 125, or 250 mg/kg/day. The NOEL was 250 mg/kg/day HDT.

5. A 2–year rat chronic/carcinogenicity study at doses of 0, 1,000, 5,000, or 10,000 ppm (males= 0, 49.9, 252.6, or 503 mg/kg/day; females= 0, 64.2, 317.6, or 638.6 mg/kg/day) with a NOEL of 503 mg/kg/day HDT.

6. An 18–month mouse carcinogenicity study at doses of 0, 1,000, 5,000, or 10,000 ppm (males= 0, 126, 674, or 1,301 mg/kg/day; females= 0, 151, 776, or 1,639 mg/kg/day) with a NOEL of 1,301 mg/kg/day HDT.

7. A rat developmental toxicity study at doses of 0, 100, 300, or 1,000 mg/kg/day. At 1,000 mg/kg/day, the only clinical sign of toxicity in gravid dams was salivation. The NOEL for maternal toxicity is 300 mg/kg/day. There were no developmental findings in this study up to the limit dose of 1,000 mg/kg/day HDT.

8. A rabbit developmental toxicity study at doses of 0, 25, 100, or 400 mg/kg/day with a maternal and developmental NOEL of 400 mg/kg/day HDT.

9. A rat two-–generation reproduction study at dietary concentrations of 0,

1,000, 5,000, or 10,000 ppm (males= 0, 74.2, 380.5, or 738 mg/kg/day; females= 0, 94.3, 471.2, or 933.3 mg/kg/day) with a NOEL of 10,000 ppm HDT.

10. A metabolism study in rats indicated that imazapyr was rapidly absorbed and excreted by 7 days post-dosing, with the majority of the administered ^{14}C-label (90%) eliminated in the urine within 48 hours. Metabolite characterization studies showed that essentially all the test material was excreted unchanged. Two minor metabolites, CL 252,974 and CL 60,032, were detected in the urine or feces of treated rats; however, their contribution combined was less than or equal to 0.5% of the administered dose. An additional 12 unidentified metabolites were isolated, but they contributed less than 3% of the total dose.

11. Acceptable studies on gene mutation and other genotoxic effects: Ames Salmonella Assay; CHO/HGPRT Point Mutation Assay; *In vitro* CHO cell chromosome aberration assay; Dominant lethal assay; and Unscheduled DNA synthesis (UDS) yielded negative results.

II. Dose Response Assessment

1. *Reference dose*. The Reference Dose (RfD) represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. The RfD is determined by using the toxicological end-point or the NOEL for the most sensitive mammalian toxicological study. To assure the adequacy of the RfD, the Agency uses an uncertainty factor in deriving it. The factor is usually 100 to account for both interspecies extrapolation and intraspecies variability represented by the toxicological data. The EPA has established an RfD of 2.5 mg/kg/day based on a NOEL of 250 mg/kg/day from a 1–year chronic dog feeding study.

2. *Carcinogenicity classification*. Using the Guidelines for Carcinogenic Risk Assessment published September 24, 1986 (51 FR 33992), the EPA has classified imazapyr as Group ''E'', not a likely human carcinogen.

3. *Developmental toxicant determination*. The acceptable developmental studies (two-generation reproduction study in rats and prenatal developmental toxicity studies in rats and rabbits) provided no indication of increased sensitivity of rats or rabbits to *in utero* and/or postnatal exposure to imazapyr.

III. Non-dietary (Residential and Occupational) Exposure Assessment

Imazapyr products marketed for residential use include total vegetation control products that are used for plot treatments or bare ground applications. These products are to be applied only where no plant growth is desired and are not to be used on lawns. Therefore, for these limited residential uses, the potential for exposure is minimal, and is expected to be non-chronic. These products are in Toxicity Categories II for eye irritation. Under the protective clothing requirements of the Worker Protection Standards (WPS), handlers of these products are expected to be adequately protected.

Imazapyr is also registered for use on non-food sites including railroad, utility, pipeline, and highway rights-of-way, utility plant sites, petroleum tank farms, pumping installations, fence rows, storage areas, non-irrigation ditchbanks, under asphalt, under pond liners, wildlife management areas, forestry site preparation, and other non-crop areas. These low rate uses entail minimal exposure potential for the general population. Use of protective clothing also reduces exposure.

Since imazapyr is a group E chemical (evidence of non-carcinogenicity for humans); the 21 day dermal study lacked any significant observable effects at the limit dose, and no adverse effects were observed in developmental toxicity studies in rats up to 1,000 mg/kg/day and rabbits up to 400 mg/kg/day, no toxicological endpoints for non-chronic residential exposures were identified. Therefore, non-chronic risk assessments are not required for occupational or non-occupational residential uses.

IV. Dietary Exposure Assessment

Use of a agricultural pesticide may result, directly or indirectly, in pesticide residues in food. Primary residues or indirect/inadvertent residues in agricultural commodities are determined by chemical analysis. To account for the diversity of growing conditions, cultural practices, soil types, climates, crop varieties and methods of application of the pesticide, data from studies that represent the commodities are collected and evaluated to determine an appropriate level of residue that would not be exceeded if the pesticide is used as represented in the studies.

1. *Plant/animal metabolism and magnitude of the residue*. The nature (metabolism) of imazapyr in plants and animals is adequately understood for the purposes of these tolerances. There are no Codex maximum residue levels established for residues of imazapyr on corn or the rotational crops. In all the plant and animal (poultry and ruminants) metabolism studies submitted, the residue of concern was the parent per se, imazapyr.

2. *Residue analytical methods*. The analytical method proposed as an enforcement method for field corn commodities is GS/MS Method M 2468.02. The method is suitable for detecting residues of the parent compound, imazapyr, in field corn forage, silage, grain, fodder, meal and oil. Tolerances for meat, milk, poultry, and eggs, are not required for this petition, therefore, an analytical method for the enforcement of animal tolerances is not needed.

V. Aggregate Exposure Assessment

In examining aggregate exposure, FQPA directs EPA to consider available information concerning exposures from pesticide residue in food, including water, and all other non-occupational exposures. The aggregate sources of exposure the Agency looks at includes food, drinking water or groundwater, and exposure from pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

1. *Acute dietary*. As part of the hazard assessment process, the Agency reviews the available toxicology database to determine the endpoints of concern. For imazapyr, the Agency does not have a concern for an acute dietary assessment since the available data do not indicate any evidence of significant toxicity from a 1 day or single event exposure by the oral route. Therefore, an acute dietary risk assessment was not required.

2. *Chronic dietary*. Using the Dietary Risk Evaluation System (DRES), a chronic exposure analysis was performed using tolerance level residues and 100 percent crop treated to estimate the Theoretical Maximum Residue Contribution (TMRC) for the general population and 22 subgroups. This exposure analysis showed that exposure from residues in/on corn for the U.S. population and all subgroups would be less than 1% of the RfD.

3. *Drinking water*. To determine the exposure from drinking water, the Agency applied modeling procedures. Using the estimated chronic drinking water values of 1 μg/L for surface water and 3 μg/L for ground water, the exposure to imazapyr from drinking water was calculated to be 3×10^{-5} milligrams per kilogram of body weight per day (mg/kg bw/day) for the U.S population (surface water), 1×10^{-4} mg/kg bw/day for children (surface water), 7×10^{-5} mg/kg bw/day for U.S. population (ground water), and 3×10^{-4} mg/kg bw/day for children (ground water). The calculations are included in the docket for this rulemaking.

4. *Non-dietary (residential and non-occupational) exposure.* Imazapyr is registered for residential and non-occupational uses. As part of the hazard assessment process, the Agency reviews the available toxicological database to determine the endpoints of concern. For imazapyr, the Agency does not have a concern for acute, short-term, or intermediate-term occupational or residential risk assessment since the available data do not indicate any evidence of significant toxicity by the dermal or inhalation routes, or from a 1 day or single event exposure by the oral route. Therefore, acute, short-term or intermediate-term non-occupational or residential risk assessment was not required.

As part of the hazard assessment process it was determined that a chronic residential assessment was not necessary. The exposures which would result from the use of imazapyr were determined to be of an intermittent nature. The frequency and duration of these exposures do not exhibit a chronic exposure pattern. The exposures do not occur often enough to be considered a chronic exposure i.e., a continuous exposure that occurs for at least several months. Therefore, chronic residential exposures were not aggregated with dietary exposures in estimating chronic risk.

5. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' The Agency believes that ''available information'' in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may be helpful in determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodology to resolve the scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical specific data, much of which may not be presently available.

Although, at present, the Agency does not know how to apply the information in its files concerning common mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

EPA does not have, at this time, available data to determine whether imazapyr has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach, imazapyr does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that imazapyr has a common mechanism of toxicity with other substances. After EPA develops methodologies for more fully applying common mechanism of toxicity issues to risk assessments, the Agency will develop a process (either as part of the periodic review of pesticides or otherwise) to reexamine those tolerance decisions made earlier.

The registrant must submit, upon EPA's request and according to a schedule determined by the Agency, such information as the Agency directs to be submitted in order to evaluate issues related to whether imazapyr shares a common mechanism of toxicity with any other substance and, if so, whether any tolerance for imazapyr needs to be modified or revoked.

VI. Determination of Safety for the U.S. Population and Non-Nursing Infants

A. U.S. Population and Non-Nursing Infants

Using the Dietary Risks Evaluation System (DRES) a chronic analysis was performed based on 100% of the crop treated and all residues at tolerance levels. Based on the dietary/water risk assessment, the proposed uses utilize less than 1% of the RfD for the U.S. population; less than 1% of the RfD for nonnursing infants under 1 year old; less than 1% for nursing infants under 1 year old; less than 1% for children 1 to 6 years old; and less than 1% for children 7 to 12 years old. The Agency concluded that no harm will occur to non-nursing infants, or any other members of the U.S. population from aggregate exposure to imazapyr.

B. Infants and Children

Risk to infants and children was determined by the use of two developmental toxicity studies in rats and rabbits and the two-generation reproduction study in rats discussed below. The developmental toxicity studies evaluates the potential for adverse effects on the developing organism resulting from exposure during prenatal development. The reproduction study provides information relating to effects from exposure to the chemical on the reproductive capability of both (mating) parents and on systemic toxicity.

The toxicological database for evaluating pre- and post-natal toxicity for imazapyr is considered to be complete at this time. In the rabbits, no evidence of maternal or developmental toxicity was observed at doses up to 400 mg/kg/day, highest dose tested HDT. In the rat developmental toxicity study, maternal (systemic) toxicity was noted (indicated by salivation) at 1,000 mg/kg/day HDT.

In the rat two-generation reproduction study, no evidence of toxicity was noted in either the adults or the offspring at dietary levels at or close to the limit dose.

FFDCA section 408 provides that the EPA shall apply an additional safety factor of 10 in the case of threshold effects for infants and children to account for pre- and post-natal toxicity and the completeness of the database unless EPA determines, based on reliable data, that a different safety factor would be appropriate. The Agency believes that an additional safety factor for infants and children is not warranted. A complete set of developmental and reproductive studies have been submitted and EPA has found them to be acceptable. The NOEL used to calculate the RfD for the general U.S. population is 250 mg/kg bw/day derived from the 1–year chronic toxicity study in dogs. That NOEL is lower than the developmental NOELs for the teratology studies in rabbits and rats (1.6 and 4x, respectively), as well as lower than the

NOEL for the two-generation reproduction study in male and female rats (3.2 to 3.9x). The Agency does not believe the effects seen in the above studies are of such concern to require an additional safety factor. Accordingly, the Agency believes the RfD has an adequate margin of protection for infants and children. The percent RfD utilized by imazapyr is less than 1% for nursing infants (less than 1 year old), and for non-nursing infants and children 1 to 6 years old. EPA concluded that there is reasonable certainty that no harm will occur to infants and children from aggregate exposure to imazapyr.

VII. Other Considerations

1. *Endocrine effects.* No specific tests have been conducted with imazapyr to determine whether the chemical may have an effect in humans that is similar to an effect produced by a naturally occuring estrogen or other endocrine effects. However, there were no significant findings in other relative toxicity studies, i.e., teratology and multi-generation reproductive studies, which would suggest that imazapyr produces endocrine related effects.

2. *Data Gap.* Additional storage stability data are required to support the 18 and 27 month storage stability tabulated data, including storage temperature, analysis, raw data, representative chromatograms, and quality assurance (good laboratory practices).

VIII. Objections and Hearing Requests

The new FFDCA section 408 (g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under the new section 408 (e) and (l)(6) as was provided in the old section 408 and section 409. However, the period for filing objections is 60 days rather than 30 days. EPA currently has procedural regulations which governs the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by June 9, 1997 file written objections to any aspect of this regulation and may also request a hearing with the Hearing Clerk, at the address given below (40 CFR 178.20). A copy of the objections and/or 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 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). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI), Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

IX. Public Docket

A record has been established for this rulemaking under the docket number [OPP–300471] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rule-making record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

X. Regulatory Assessment Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and since this action does not impose any information collection requirements subject to approval under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., it is not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 Pub.L. 104–4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28. 1993), or special considerations as required by Executive Order 12898 (59 FR 7629), February 16, 1994).

Because tolerances established on the basis of a petition under section 408(d) of FFDCA do not require issuance of a proposed rule, the regulatory flexibility analysis requirements of the Regulatory Flexibility Act (RFA), 5 U.S.C. 604(a), do not apply. Prior to the recent amendment of the FFDCA, EPA had treated such rulemakings as subject to the RFA; however, the amendments to the FFDCA clarify that no proposal is required for such rulemakings and hence that the RFA is inapplicable. Nonetheless, the Agency has previously assessed whether establishing tolerances or exemptions from tolerance, raising tolerance levels, or expanding exemptions adversely impact small entities and concluded, as a generic matter, that there is no adverse impact. (46 FR 24950, May 4, 1981).

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General

Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA, as amended.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agriculatural commodities, Pesticides and pest, Reporting and recordkeeping requirements.

Dated: March 31, 1997.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

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. By adding § 180.500 to read as follows:

§ 180.500 Imazapyr; tolerances for residues.

Tolerances are being established for residues of the herbicide imazapyr, [2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid], applied as the acid or ammonium salt, in or on the following raw agricultural commodities:

Commodity	Parts per million
Corn, field, forage (silage)	0.05
Corn, field, grain	0.05
Corn, field, stover	0.05

[FR Doc. 97–9091 Filed 4–8–97; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1–286]

Organization and Delegation of Powers and Duties Delegated to the Commandant, United States Coast Guard

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation is delegated to the Commandant, United States Coast Guard, the authority contained in the Antarctic Science, Tourism, and Conservation Act of 1996, to issue such regulations as are necessary and appropriate to implement the Protocol on Environmental Protection to the Antarctic Treaty relating to the prevention of marine pollution and emergency response action for vessels. In order that the Code of Federal Regulations reflect this delegation, a change is necessary.

EFFECTIVE DATE: April 9, 1997.

FOR FURTHER INFORMATION CONTACT: LCDR Ray Perry, Environmental Standards Division (G–MSO–4), (202) 267–2714, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593; or Ms. Gwyneth Radloff, Office of the General Counsel, C–50, (202) 366–9305, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Public Law 104–227 is the Antarctic Science, Tourism, and Conservation Act of 1996 (hereafter referred to as the Act). Section 106 of this Act amends section 6 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2405) by requiring the Secretary to issue such regulations as are necessary and appropriate, in addition to regulations issued under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 *et seq.*), to implement Annex IV of the Protocol on Environmental Protection to the Antarctic Treaty. It also requires the Secretary to issue such regulations as are necessary and appropriate, with the concurrence of the Director of the National Science Foundation, to implement Article 15 of the Protocol with respect to vessels. The Secretary of Transportation is delegating his authority under the Act to the Commandant of the Coast Guard.

This rule adds a specific delegation of authority to 49 CFR 1.46, thus amending the codification to reflect the Secretarial delegation of authority to the Commandant of the Coast Guard.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). Further, since the amendment expedites the Coast Guard's ability to implement international treaty obligations, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended to read as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Pub. L. 101–552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

1.46 [Amended]

2. Section 1.46 is amended by adding a new paragraph (hhh) to read as follows:

1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(hhh) Carry out the functions and exercise the authority vested in the Secretary by 16 U.S.C. 2405 to issue such regulations as are necessary and appropriate to implement the Antarctic Science, Tourism, and Conservation Act of 1996, Pub. L. No. 104–227, 110 Stat. 3034.

* * * * *

Issued at Washington, DC this 28th day of March, 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97–9155 Filed 4–8–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. 96–085; Notice 2]

Passenger Automobile Average Fuel Economy Standards; Final Decision To Grant Exemption

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final decision.

SUMMARY: This final decision responds to a petition filed by Rolls-Royce Motors, Ltd. (Rolls-Royce) requesting that it be exempted from the generally applicable average fuel economy standard of 27.5 miles per gallon (mpg) for model years (MYs) 1998 and 1999 and that a lower alternative standard be established. In this document, NHTSA establishes an alternative standard for Rolls Royce of 16.3 mpg for MYs 1998 and 1999.

DATES: *Effective date:* May 27, 1997. This exemption and the alternative standards apply to Rolls Royce for MYs 1998 and 1999.

Petitions for reconsideration: Petitions for reconsideration must be received no later than May 27, 1997.

ADDRESSES: Petitions for reconsideration of this rule should refer to the docket