

“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), entitled Enhancing the Intergovernmental Partnership, or special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to the requirements of the Regulatory Flexibility Act (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 explaining the factual basis for this determination was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: June 3, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of
Pesticide Programs.

Therefore, it is proposed that 40 CFR
part 180 be 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. In § 180.421, the table in paragraph
(a) is amended by adding alphabetically
the entry for filberts, to read as follows:

§ 180.421 Fenarimol; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * *	*
Filberts	0.02
* * *	*
* * *	*

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40 CFR Part 180

[OPP-300426; FRL-5374-4]

RIN 2070-AC18

Vinyl Pyrrolidone-Acrylic Acid Copolymer; Tolerance Exemption.

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish an exemption from the requirement of a tolerance for residues of vinyl pyrrolidone-acrylic acid copolymer when used as an inert ingredient (adhesive, dispersion stabilizer and coating for sustained release granules) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, and applied to animals. This proposed regulation was requested by International Specialty Products.

DATES: Written comments, identified by the docket number [OPP-300426], must be received on or before July 15, 1996.

ADDRESSES: By mail, submit written comments 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, deliver comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as “Confidential Business Information” (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: 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. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-300426]. No Confidential

Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Bipin Gandhi, Registration Support Branch, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, 6th Floor, Arlington, VA 22202, (703)-308-8380, e-mail: gandhi.bipin@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: International Specialty Products, 1361 Alps Road, Wayne, NJ 07470, submitted pesticide petition (PP) 6E04659 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 346 a(e)), propose to amend 40 CFR part 180.1001(c) and (e) by establishing an exemption from the requirement of tolerance for residues of vinyl pyrrolidone-acrylic acid copolymer (CAS Reg. No. 28062-44-4), when used as an inert ingredient (adhesive, dispersion stabilizer and coating for sustained release granules) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest, under 40 CFR 180.1001(c) and applied to animals under 40 CFR 180.1001(e).

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term “inert” is not to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the Federal Register of April 22, 1987 (52 FR 13305), the Agency set forth a list of studies which would generally be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. However, where it can be determined without that data that the inert ingredient will present

minimal or no risk, the Agency generally does not require some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an inert ingredient. The Agency has decided that no data, in addition to that described below, for vinyl pyrrolidone-acrylic acid copolymer will need to be submitted. The rationale for this decision is described below.

In the case of certain chemical substances that are defined as "polymers," the Agency has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. Vinyl pyrrolidone-acrylic acid copolymer conforms to the definition of polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low risk polymers:

1. Vinyl pyrrolidone-acrylic acid copolymer is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. Vinyl pyrrolidone-acrylic acid copolymer contains as an integral part of its composition the atomic elements carbon, hydrogen, oxygen and nitrogen.

3. Vinyl pyrrolidone-acrylic acid copolymer does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(2)(ii).

4. Vinyl pyrrolidone-acrylic acid copolymer is not designed, nor is it reasonably anticipated to substantially degrade, decompose or depolymerize.

5. Vinyl pyrrolidone-acrylic acid copolymer is not manufactured or imported from monomers and/or other reactants that are not already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. Vinyl pyrrolidone-acrylic acid copolymer contains only carboxylic acid groups as reactive functional groups.

7. The minimum number-average molecular weight of vinyl pyrrolidone-acrylic acid copolymer is listed as 6,900 daltons. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not

absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response.

8. Vinyl pyrrolidone-acrylic acid copolymer has a number average molecular weight of 6,900 and contains less than 10 percent oligomeric material below molecular weight 500 and less than 25 percent oligomeric material below 1,000 molecular weight. Based upon the above information and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful and tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemptions from the requirement of a tolerance be established for this polymer as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, that contains any of the ingredients listed herein, may request within 30 days after the publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the docket number, [OPP-300426].

A record has been established for this rulemaking under docket number [OPP-300426] (including comments and data submitted electronically as described below). 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 a.m. to 4:30 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.

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 all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which also will include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in the "ADDRESSES" at the beginning of this document.

The Office of Management and Budget has exempted this rule from the requirements of section 2 of Executive Order 12866.

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), entitled Enhancing the Intergovernmental Partnership, or special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to the requirement 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 an 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 Subject in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additives, Pesticides and pests, Processed foods, Reporting and recordkeeping requirements.

Dated: May 31, 1996.

Stephen L. Johnson,
Director, Registration Division, Office of
Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be 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. In § 180.1001, paragraphs (c) and (e), the table in each paragraph is amended by adding alphabetically the inert ingredient "Vinyl pyrrolidone-acrylic acid copolymer," to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * *

(c) * * *

Inert Ingredient	Limits						Uses
Vinyl pyrrolidone-acrylic acid copolymer (CAS Reg. No. 28062-44-4), minimum number average molecular weight (in amu) 6,000.	*	*	*	*	*	*	Adhesive, dispersion stabilizer and coating for sustained release granules.
	*	*	*	*	*	*	

* * * *

(e) * * *

Inert Ingredient	Limits						Uses
Vinyl pyrrolidone-acrylic acid copolymer (CAS Reg. No. 28062-44-4), minimum number average molecular weight (in amu) 6,000.	*	*	*	*	*	*	Adhesive, dispersion stabilizer and coating for sustained release granules.
	*	*	*	*	*	*	

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40 CFR Parts 180 and 186**[PP5F4545, FAP6H5737/P663; FRL-5375-5]****Quizalofop-P Ethyl Ester; Pesticide Tolerance and Maximum Residue Level****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: EPA proposes to establish a tolerance for the residues of the herbicide quizalofop (2-[4-(6-chloroquinoxalin-2-yl)oxy]phenoxy)propanoic acid], and quizalofop ethyl [ethyl-(2-[4-(6-chloroquinoxalin-2-yl)oxy]phenoxy)propanoate], all expressed as quizalofop ethyl in or on the raw agricultural commodity canola seed at 1.0 part per million (ppm) and to establish a maximum residue limit for quizalofop ethyl on canola meal at 1.5 ppm. E.I. DuPont de Nemours Company submitted petitions pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA) requesting these regulations to establish certain maximum permissible residue levels for residues of the herbicide.

DATES: Comments, identified by the docket control number [PP PP5F4545, FAP6H5737/P663], must be received on or before July 15, 1996.

ADDRESSES: By mail, submit written comments 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 comments to Rm. 1132, CM #2, 1921 Jefferson-Davis Hwy., Arlington, VA 22202. Comments and data may also be submitted to OPP by sending electronic mail (e-mail) to: 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. Comments and data will also be accepted on disks in Word Perfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 5F4545, FAP 6H5737/P663].

Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the "SUPPLEMENTARY INFORMATION" section of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment 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. All written

comments will be available for public notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail, Robert J. Taylor, 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 Hwy., Arlington, VA 22202, (703)-305-6027; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued notices published in the Federal Register of February 1, 1996 (61 FR 3696) (FRL-4994-3), which announced that E.I. Du Pont de Nemours Company, Agricultural Products, Walkers Mill, Barley Mill Plaza, P.O. Box 80038, Wilmington, DE 19880-0038, had submitted pesticide petition (PP) 5F4545 to EPA proposing to amend 40 CFR 180.441 by establishing tolerances for residues of the herbicide quizalof [2-(4-(6-chloroquinoxalin-2-yl)oxy)phenoxy]propanoic acid] and quizalofop ethyl [ethyl-(2-[4-(6-chloroxyunoxalin-2-yl)oxy]phenoxy)propanonate], all expressed as quizalofop ethyl in or on foliage of legume vegetables (except soybean) at 3.0 ppm and on canola seed at 2.0 ppm. DuPont also submitted a