revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for this limited approval and limited disapproval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by March 15, 1996.

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule and EPA's evaluation report of the rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule are also available for inspection at the following locations:

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1096

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Patricia A. Bowlin, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1188.

SUPPLEMENTARY INFORMATION: This document concerns San Diego County Air Pollution Control District Rule 67.10, Kelp Processing and Bio-Polymer Manufacturing Operations, submitted to EPA on July 13, 1994 by the California Air Resources Board. For further information, please see the information provided in the Direct Final action which is located in the Final Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: January 16, 1996.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96–3232 Filed 2–13–96; 8:45 am]

BILLING CODE 6560–50–W

40 CFR Part 180

[PP–9F3798/P642; FRL–5349–1]

RIN 2070–AC18

Lactofen; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to renew a time-limited tolerance for residues of the herbicide lactofen, 1-(carboethoxy)ethyl-5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate, and its metabolites containing the diphenyl ether linkage on the raw agricultural commodity (RAC) cottonseed at 0.05 part per million (ppm). The tolerance would establish the maximum permissible level of residues of the herbicide in or on this RAC. The Valent USA Corp. requested this tolerance pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA). The time-limited tolerance would expire on December 31, 1996.

DATES: Comments identified by the docket number, [PP 9F3798/P642], must be received on or before March 15, 1996.

ADDRESSES: Submit written comments by mail to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC. In person, bring comments to: Public Docket, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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 as 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. The public docket is available for public inspection in Rm. 1132 at the above address, 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 in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [PP 9F3798/P642]. No 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 in the SUPPLEMENTARY INFORMATION unit of this document.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Product Manager (PM 23), 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. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703)-305-6224; e-mail: miller.joanne@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 14, 1990 (55 FR 24084), EPA established a time-limited tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) for residues of the herbicide lactofen, 1-(carboethoxy)ethyl-5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate, and its associated metabolites containing the diphenyl ether linkage in or on the raw agricultural commodity (RAC) cottonseed at 0.05 ppm. This tolerance was requested by Valent U.S.A. Corp., 1333 North California Blvd., P.O. Box 8025, Walnut Creek, CA 94596-805, and establishes the maximum permissible level for residues of the herbicide in or on this RAC.

The tolerance was issued as a time-limited tolerance because EPA required animal metabolism studies and additional information on the cottonseed processing study. EPA's review of the processing study resulted in a preliminary determination that concentration does not occur in processed food, but additional information on the study was required to confirm that determination. Information was submitted and the determination was confirmed. The animal metabolism studies were required to determine the likelihood of secondary residues in meat, fat, milk, poultry, and eggs.

The animal metabolism studies were received at the Agency in September 1992 and placed into review. The Agency completed an evaluation of the animal metabolism studies in March 1993, and concluded that the nature of the residue in animals was tentatively adequately understood. For the purposes of this tolerance with an expiration date, the Agency determined

that finite residues in animal commodities would be minimal from the use of lactofen on cotton, based on results of metabolism studies. However, for the proposed permanent tolerance, additional information was required.

This included the following: (1) Further characterization of metabolites from animal metabolism studies; (2) a ruminant feeding study; (3) independent Method Evaluation and EPA Method Validation of the proposed analytical methodology if tolerances on animal commodities are required; (4) an Independent Method Validation and EPA Method Validation of revised analytical methodology for cottonseed; and (5) revised product labeling. The ruminant feeding study, Independent Method Validation of the revised analytical methodology for cottonseed and other information were received at the Agency in September 1993 and January 1994, and placed in review. The Agency completed an evaluation of this information in May 1995, and concluded that the nature of the residue in animals is adequately understood, pending receipt of additional information on the ruminant feeding study. However, Agency review identified the following additional deficiencies: (1) Based on the results of the ruminant feeding study, a tolerance of 0.02 ppm is required for the lactofen metabolite PPG-2838 in or on ruminant meat byproducts, as well as an Independent Method Validation and EPA Method Validation of the proposed analytical methodology for this metabolite in or on meat byproducts; (2) revised analytical methodology for cottonseed and a revised Section F proposing to raise the tolerance for cottonseed to 0.25 ppm are required; (3) residue data for cotton gin byproducts are required as a result of recent revisions to the Residue Chemistry Guidelines (Subdivision O of the Pesticide Assessment Guidelines). On December 7, 1995, Valent submitted a response to these deficiencies, excluding the newly required residue data for cotton gin byproducts.

The company's response has been placed in review. Since Agency review has not been completed, it is inappropriate to establish a permanent tolerance at this time. Nevertheless, the Agency believes that the existing data support an extension of the time-limited tolerance to December 31, 1996. The data considered in support of the time-limited tolerance are identified in the Federal Register of June 14, 1990 (55 FR 24084).

There are no pending regulatory actions against the registration of this pesticide. The pesticide is considered useful for the purposes for which it is sought.

Adequate analytical methodology (gas chromatography) is available for enforcement purposes. Prior to its publication in the *Pesticide Analytical Manual, Vol. II,* the enforcement methodology is being made available in the interim to anyone who is interested in pesticide residue enforcement when requested from: By mail, Calvin Furlow, Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Crystal Mall #2, Rm. 1132, 1921 Jefferson Davis Highway, Arlington, VA, (703)-305-5805.

Based on the information and data considered, the Agency concludes that the proposed tolerance will protect the public health. Therefore, it is proposed that the tolerance be continued 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, which contains the ingredient listed herein, may request within 30 days after the publication of this document in the Federal Register that this proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA).

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the docket control number, [PP 9F3798/P642). All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch at the above address from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this proposal under docket number (PP 9F3798/P642) (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 proposal, 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 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.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule: (1) Having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this executive order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

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

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

Dated: February 6, 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. Section 180.432, paragraph (b) is revised as follows:

§180.432 Lactofen; tolerances for residues.

* * * * *

(b) A time-limited tolerance, that expired December 31, 1995, is renewed for 1 year and will now expire December 31, 1996, for residues of the herbicide lactofen, 1-(carboethoxy)ethyl-5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate, and its metabolites containing the diphenyl ether linkage in or on the following raw agricultural commodity:

Commodity	Parts per million	Expiration date
Cottonseed	0.05	December 31, 1996

[FR Doc. 96–3020 Filed 2–13–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[OPP–300412; FRL–4995–3]

RIN 2070–AC18

Oxo-Alkyl Acetates; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that residues of a group of chemicals known as oxo-alkyl acetates [oxo-hexylacetate (CAS Reg. No. 88230-35-7), oxo-heptyl acetate (CAS Reg. No. 90438-79-2), oxo-octyl acetate (CAS Reg. No. 108419-32-5), oxo-nonyl acetate (CAS Reg. No.108419-34-7), oxo-decyl acetate (CAS Reg. No. 108419-33-6), and oxo-tridecyl acetate (CAS Reg. No. 108419-35-8)] be exempted from the requirement of a tolerance when used as a solvent in pesticide formulations. This proposed regulation was requested by Exxon Chemical Co., Performance Products Group.

DATES: Comments, identified by the docket control number [OPP–300412], must be received on or before March 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, D.C. 20460. In person deliver comments to: Rm. 1132, Crystal Mall Building #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this document may be claimed confidential by marking any part of 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 the EPA without prior notice. The public docket is 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 in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [OPP–300412]. No 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: Amelia M. Acierto, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 2800 Crystal Drive, North Tower, Arlington, VA, (703)-308-8375; e-mail: acierto.amelia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Exxon Chemical Co., Performance Products Group, Linden, NJ 07036, submitted pesticide petition (PP) 3E04267 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for oxo-alkyl acetates [oxo-hexyl acetate (CAS Reg. No. 88230-35-7), oxo-heptyl acetate (CAS Reg. No. 90438-79-2), oxo-octyl acetate (CAS Reg. No. 108419-32-5), oxo-nonyl acetate (CAS Reg. No. 108419-34-7), oxo-decyl acetate (CAS Reg. No. 108419-33-6), and oxo-tridecyl acetate (CAS Reg. No. 108419-35-8)] when used as solvents in pesticide formulations applied to growing crops only.

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 intended 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