will also include all comments submitted directly in writing.

The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this notice.

List of Subjects

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

Dated: January 30, 1997.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 97–3224 Filed 2–11–97; 8:45 am]

BILLING CODE 6560–50–F

[PF–704; FRL–5586–5]

Entek; Pesticide Tolerance Petition Filing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of tolerances for residues of carbon disulfide in or on almond nutmeats, almond hulls, peaches and plums (fresh prunes). This notice includes a summary of the petition that was prepared by the petitioner, Entek Corporation.

DATES: Comments, identified by the docket number [PF-704], must be received on or before, March 14, 1997.

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 Highway, Arlington, VA.

Comments and data may also be submitted electronically be 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 docket number [PF-704]. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit II. 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). CBI should not be submitted through e-mail. Information marked as CBI 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 inspection in Rm. 1132 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Cynthia Giles-Parker, Product Manager (22), 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. 229, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, 703–305–5540, e-mail: giles-parker.cynthia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received a pesticide petition (PP 5F4482) from Entek Corporation, P.O. Box 458, Brea, CA 92822, proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR 180.467 by establishing a tolerance, at 0.1 part per million (ppm), for residues of the fumigant carbon disulfide resulting from the soil application of sodium tetrathiocarbonate in or on the raw agricultural commodities almond nutmeats, almond hulls, peaches and plumes (fresh prunes). The proposed analytical method is gas chromatography using a sulfur specific detector. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

As required by section 408(d) of the FFDCA, as recently amended by the Food Quality Protection Act (Pub. L. 104-170), Entek Corporation included in the petition a summary of the petition and authorization for the summary to be published in the Federal Register in a notice of receipt of the petition. The summary represents the views of Entek Corporation. EPA is in the process of evaluating the petition. As required by section 408(d)(3) EPA is including the summary as a part of this notice of filing. EPA has made minor edits to the summary for the purpose of clarity.

I. Entek's Petition Summary

A. Residue Chemistry

1. *Plant metabolism*. Radiolabel metabolism studies, using ^{14}C labeled sodium tetrathiocarbonate, were conducted with potatoes and tomatoes. The studies established that sodium tetrathiocarbonate rapidly degrades in soil and plants and the resulting residues are carbon disulfide (CS_2), free and bound. No other residues of concern were identified in the radiolabel or other residue chemistry studies submitted by the petitioner.

2. *Analytical method*. An adequate analytical method for detecting free and bound CS_2 residues in plants is available. The method has been validated by EPA. In brief, plant material is blended with water in a sealed container. Aliquots of the gas and liquid phases are removed and the free CS_2 content is determined by purge-and-trap gas chromatography using a sulfur-specific detector. A sample of the liquid phase, purged for free CS_2, is subjected to hot acid hydrolysis followed by purge-and-trap gas chromatography in order to measure the bound CS_2 content. In general, the limit of detection for the analytical method is 0.5 ppb and the limit of quantitation is 1.7 parts per billion (ppb).

3. *Magnitude of residues*. Two field trials were conducted for each crop (peaches, plums and almonds). Trials were all conducted in California since it is the predominant growing area for each of the requested raw agricultural commodities (RACs) and the petitioner has proposed to limit use of Enzone® (the product containing sodium tetrathiocarbonate) to Arizona, California, Oregon, and Washington. In each trial, sodium tetrathiocarbonate was applied in amounts equal to or greater than the maximum label rate and pretreatment, control and treatment samples were analyzed for free and bound CS_2.

In the plum and peach trials, very low levels (<20 ppb) of free and bound CS_2 were observed in pretreated, control and treatment samples. In both almond trials, very low levels of free or bound CS_2 (< 10 ppb) were observed in almond nutmeats. In one of the almond trials, unusually high levels of bound CS_2 (from 567–6,761 ppb) were observed in control and treated almond hull

samples. The petitioner believes that these atypical levels were most likely due to high natural occurrence or drift of an ethylene bisdithiocarbamate (EBDC) pesticide from a nearby source.

Rigorous statistical analysis of the sample data clearly showed that there is no increase in CS_2 (free or bound) above background levels for treated almond, pear or plum trees when compared to untreated or control trees.

B. Toxicological Profile

1. *Acute toxicity.* Technical sodium tetrathiocarbonate (32% active ingredient) is moderately toxic by the oral route, with a combined acute oral LD_{50} of 631 milligrams/kilograms (mg/kg) in the rat. Technical sodium tetrathiocarbonate is practically nontoxic by dermal application (acute dermal LD_{50} > 2,000 mg/kg) and slightly toxic after a 4-hour inhalation exposure (acute LC_{50} is 4.73 mg/L (males) and 3.17 mg/L (females). Technical sodium tetrathiocarbonate is corrosive to skin and eyes but is not a dermal sensitizer.

2. *Genotoxicity.* In the bacterial gene mutation test (Ames) technical sodium tetrathiocarbonate was negative, with or without metabolic activation. Technical sodium tetrathiocarbonate was also negative in a mammalian gene mutation assay (CHO/HGPRT), with or without metabolic activation. In the chromosome aberration assay, technical sodium tetrathiocarbonate gave a weakly positive result under activation conditions. Technical sodium tetrathiocarbonate was negative in the unscheduled DNA Synthesis assay. On the basis of the mutagenicity battery, Entek concludes that sodium tetrathiocarbonate is not mutagenic or genotoxic.

3. *Developmental toxicity.* Developmental toxicity studies with sodium tetrathiocarbonate were performed in the rat and rabbit. In the rat study, pregnant rats were administered sodium tetrathiocarbonate at doses of 0, 150, 400, 450 and 500 mg/kg/day on gestation days 6 through 15. Necropsy examinations of the animals that died and animals that survived to final sacrifice did not reveal any lesions which could be attributed to sodium tetrathiocarbonate. Treatment with 150, 400 or 450 mg/kg/day of sodium tetrathiocarbonate did not alter fetal, skeletal or visceral development. The developmental toxicity no observed effect level (NOEL) for this study is 450 mg/kg/day. In the rabbit study, pregnant rabbits were administered sodium tetrathiocarbonate at doses of 0, 75, 150 and 185 mg/kg/day on days 7-19 of gestation. Developmental effects (elevated resorptions and increased post-implantation loss) were observed at 185 mg/kg/day; developmental effects were not observed at the lower dose levels. The developmental toxicity no observed effect level (NOEL) for this study is 150 mg/kg/day.

Entek has requested waivers for several of the toxicology studies that are normally required for crop tolerances. These include: 90–day oral toxicity study (rat and dog); 2-generation reproduction (rat); chronic toxicity study (rat and dog); oncogenicity (rat and mouse) and general metabolism. The basis for the waiver request is that the natural or background levels of CS_2, either free or bound, are not increased from the application of sodium tetrathiocarbonate to almonds, peaches or plums.

In 1987, an oral reference dose (RfD) of 0.1 mg/kg/day for CS_2 was established by EPA's Integrated Risk Information System (IRIS).

C. Aggregate Exposure

1. *Dietary exposure*— i. *Food.* Extensive residue data compiled by the petitioner and information in the public literature has shown a natural occurring dietary CS_2 level (bound and free) of approximately 10-20 ppb. Assuming a dietary intake of 3,000 g/day, the daily intake of CS_2 is approximately 0.06 mg/day. The use of sodium tetrathiocarbonate on almonds, peaches or plums is not anticipated to add to the daily intake of CS_2 since, as noted above, no increases in CS_2 residues above background levels were observed in the residue trials. It should also be noted that there was no increase above background CS_2 levels for the crops (grapes and citrus) currently covered by a tolerance.

ii. *Drinking water.* Two state-of-art prospective ground water monitoring studies were conducted for sodium tetrathiocarbonate. In both studies, sodium tetrathiocarbonate was applied above very shallow aquifers (3-7 ft. below the surface) and the ground water was analyzed for CS_2. The studies demonstrated that CS_2, from sodium tetrathiocarbonate application, is not a residual ground water contaminant.

2. *Non-dietary exposure.* Carbon disulfide is an industrial chemical used in the manufacture of rayon fibers; in the production of cellulose and rubber chemicals; as a solvent for cleaning and extraction; as an extractant for olive oil and in the production of adhesives. Accordingly, workers in these industries may be exposed to low levels of CS_2 in the air. The daily exposure limit is 20 ppm (8-hr time weight average).

D. Cumulative Effects

There is no reliable information to indicate that carbon disulfide has a common mechanism of toxicity with any other chemical compound.

E. Safety Determination

1. *U.S. population.* Since the use of sodium tetrathiocarbonate on almonds, peaches and plums is not anticipated to contribute to CS_2 exposures, Entek concludes that there is a reasonable certainty that no harm will result from sodium tetrathiocarbonate application to these RACs.

2. *Infants and children.* Entek also concludes that there is a reasonable certainty that no harm will result to infants and children since no increase in infant or child exposure to CS_2 will result from the application of sodium tetrathiocarbonate on almonds, peaches and plums.

F. International Tolerances

There are no Codex maximum residue levels [MRLs] established for residues of carbon disulfide resulting from the application of sodium tetrathiocarbonate.

II. Public Record

A record has been established for this notice under docket number [PF-704] 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 8:30 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.

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 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.

List of Subjects

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

Dated: February 7, 1997.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 97–3645 Filed 2–11–97; 8:45 am]

BILLING CODE 6560–50–F

[PF–694; FRL–5583–9]

Nayfa Industries Inc.; Pesticide Tolerance Petition Filing

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice of filing.

SUMMARY: This notice announces the filing of a pesticide petition proposing an exemption from the requirement of a tolerance for residues of propionic acid in or on sugarbeet, potatoes and sweet potatoes. This notice includes a summary of the petition prepared by the petitioner Nayfa Industries Inc.

DATES: Comments, identified by the docket control number [PF–694], must be received on or before, March 14, 1997.

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 Street, SW., Washington, DC 20460. In person, bring comments to Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below this document.

Information submitted as comments concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Information marked as CBI 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 inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Cynthia Giles-Parker, Product Manager (PM) 22, Registration Division, (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M. St., SW., Washington, DC. Office location, telephone number and e-mail address: Rm. 229, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 703–305–7740. e-mail: giles-parker.cynthia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received a pesticide petition (PP) 6F4770 from Nayfa Industries, Inc., c/o 1625 K St., NW., Suite 501, Washington, DC 20006, proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. section 346(d), to amend 40 CFR part 180 by an exemption from the requirement of a tolerance for residues of the herbicide propionic acid in or on the raw agricultural commodities sugarbeets, potatoes and sweet potatoes. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

As required by section 408(d) of the FFDCA, as recently amended by the Food Quality Protection Act, Nayfa Industries, Inc. included in the petition a summary of the petition and authorization for the summary to be published in the Federal Register in a notice of receipt of the petition. The summary represents the views of Nayfa Industries, Inc. EPA is in the process of evaluating the petition. As required by section 408(d)(3) EPA is including the summary as a part of this notice of filing. EPA has made minor edits to the summary for the purpose of clarity.

I. Petition Summary

A. Residue Chemistry

Propionic acid is currently exempt from the requirement of a tolerance (40 CFR 180.1023), when used as a fungicide for postharvest application to prevent fungal growth. The raw agricultural commodities include oat, corn, barley, wheat, rice and sorghum grains, hay, alfalfa, clover, cottonseed, timothy, vetch, sudan grass, rye grass, peanuts, orchard grass, lespedeza, fescue, brome grass, lupines, soybeans, Bermuda grass and bluegrass, cowpea, peanut, peavine and soybean hays, livestock and poultry drinking water, storage areas for silage and grain, and poultry litter.

The formula statements dated January 4, 1991 are acceptable and have been included in this file. It is understood that the use of methylene chloride in this formulation is no longer consistent with the terms of its registration.

Propionic acid naturally occurs in animals and in dairy products in small amounts. It is Generally Recognized As Safe (GRAS) [21 CFR 184.1081], by FDA for use in food. Propionic Acid is exempt from the requirement of a tolerance when applied (as an inert ingredient) to growing crops or to raw agricultural commodities after harvest as described in 40 CFR 180.1001(c).

Nayfa Industries, Inc. requested Residue Chemistry Data Waivers: All the residue chemistry data requirements covered under 40 CFR part 158 (Guideline Series 171) which covers nature of residues in plants and animals; residue analytical methods for plants and animals; storage stability; magnitude of residues in sugarbeets, potatoes, and sweet potatoes and their processed products, meat, milk, poultry and eggs. The bases for waivers are prior clearances for propionic acid by EPA and FDA. The Agency has determined that propionic acid as an active ingredient in registered products may be used for both human food and animal feed.

B. Toxicological Profile

1. Acute toxicity. Acute oral: > 2 g/kg (Category III); acute dermal: > 2 g/kg (Category III); acute inhalation: > 0.5 through 5 mg/L (Category III); eye irritation: corrosive (Category I); dermal irritation: corrosive (Category I); skin sensitization: not available and Nayfa believes this data requirement should be waived.

Contact with concentrated solutions of propionic acid may cause local damage to skin, eye, or mucosa. Tissue necrosis was caused by 10 mg/24 hr with propionic acid in a rabbit skin irritation test, but the same quantity of propionic acid as a 10 percent solution in acetone had little effect. The acid has been called moderately toxic for rabbits but corrosive for guinea pigs in skin irritation tests. Rats survived an eight hour exposure to concentrated vapor of propionic acid.

2. Genotoxicity. Propionic acid gave negative results in mutagenicity assays in 5 strains of *Salmonella typhimurium*