

A record has been established for this rulemaking under docket number [OPP-300360A] (including any 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 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 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 Hwy., 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 in 40 CFR Part 180

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

Dated: May 15, 1996.

Daniel M. Barolo,  
*Director, Office of Pesticide Programs.*

[FR Doc. 96-13284 Filed 5-28-96; 8:45 am]

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#### 40 CFR Part 180

[PP 6E04666/P660; FRL-5371-6]

RIN 2070-AC18

#### Methyl Esters of Tall-Oil Fatty Acids; Tolerance Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes that methyl esters of tall-oil fatty acids be exempted from the requirement of a tolerance when used as an inert ingredient (adjuvant) in pesticide formulations. This proposed regulation was requested by Union Camp Corporation pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA).

**DATES:** Comments, identified by the docket number [PP 6E04666/P660], must be received on or before June 28, 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, 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 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 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, [PP 6E04666/P660]. 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: Bipin Gandhi, 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) 308-8380, e-mail: gandhi.bipin@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Union Camp Corporation, P.O.Box 2668, Savannah, GA. 31402, has submitted pesticide petition (PP) 6E04666 to EPA requesting that the Administrator, pursuant to section 408(e) of the FFDCA, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(c) by establishing an exemption from the requirement of a tolerance for methyl esters of tall-oil fatty acids when used as an inert ingredient (adjuvant) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest.

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 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 methyl esters of tall-oil fatty acids will need to be submitted. The rationale for this decision is described below:

(1) Tall-oil fatty acids are exempted from the requirement of a tolerance under 40 CFR 180.1001(c) as "Tall-oil; fatty acids not less than 58 percent, rosin acids not more than 44 percent, unsaponifiables not more than 8 percent."

(2) Methyl esters of tall-oil fatty acids are prepared from tall-oil fatty acids. These methyl esters degrade to tall-oil fatty acids and therefore, are considered no more toxic than the corresponding tall-oil fatty acids.

(3) Methyl esters (distilled) of tall-oil fatty acids contain 1 to 5 percent rosin acids and 2 percent unsaponifiabiles and are therefore expected to be less toxic compared to the maximum permitted levels of 44 percent rosin acids and 8 percent unsaponifiabiles respectively for tall-oil fatty acids specified under 40 CFR 180.1001(c).

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 a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established 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 any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this proposal be referred to an Advisory Committee in accordance with section 408(e) of FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the docket number, [PP 6E04666/P660].

A record has been established for this rulemaking under docket number [PP 6E04666/P660] (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 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.

The Office of Management and Budget has exempted this proposed rule from the requirements of section 3 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 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: May 16, 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, the table to paragraph (c) is amended by adding alphabetically the inert ingredient "Methyl esters of tall-oil fatty acids," to read as follows:

#### § 180.1001 Exemptions from the requirements of a tolerance.

\* \* \* \* \*

Ingredients	Limits	Uses
* *	* * *	* *
Methyl esters of tall-oil fatty acids. (Fatty acids not less than 58 percent, rosin acids not less than 44 percent unsaponifiabiles not less than 8 percent).	.....	Adjuvant
* *	* * *	* *

[FR Doc. 96-13441 Filed 5-28-96; 8:45 am]  
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#### 40 CFR Parts 180, 185 and 186

[OPP-300408; FRL-4992-5]

RIN 2070-AC18

#### Pesticide Chemicals; Various Tolerance Actions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to revoke tolerances established for residues of 13 pesticide chemicals in or on certain raw agricultural commodities (RACs) and processed foods. EPA is initiating this action because there are no current registrations associated with these food uses. The applicable registrations for these pesticide uses have been canceled because of nonpayment of maintenance fees, or by company request.

**DATES:** Written comments, identified by the document control number [OPP-300408], must be received on or before July 29, 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. 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 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-300408]. 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 submission can be found below in this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: Owen F. Beeder, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, (703)-308-8351; e-mail: beeder.owen@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** This document proposes the revocation of tolerances and food and feed additive regulations (tolerances) established under sections 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 346a and 348) for residues of the herbicides dalapon, diphenamid, sesone, fluchloralin and metobromuron; the fungicides basic zinc sulfate, glyodin, hexachlorophene and manam; the insecticide hydrogen cyanide; the plant regulators DNOC and metachlorophenprop; and the food additive ethyl formate, in or on raw agricultural commodities (RACs), processed foods, and feeds. EPA is initiating this action because all registered uses of these pesticide chemicals in or on RACs and processed foods have been canceled. The registrations for these pesticide chemicals were canceled because the registrant failed to pay the required maintenance fee and/or the registrant voluntarily canceled all registered uses of the pesticide. Because there are no current food use registrations for any of these 13 pesticide chemicals, EPA proposes to revoke the tolerance and food additive and feed additive regulations for these pesticide chemicals. A tolerance, food additive, or feed additive regulation is not generally necessary for a pesticide chemical that is not registered for a particular food use. The Agency is not recommending the establishment of action levels in place of these regulations. Since there are no food use registrations associated with these tolerances-hence, no legal use in the United States-and since these pesticides are either not persistent, or sufficient time has elapsed since their prior use for residues to dissipate, residues should not appear in any domestically produced commodities.

Because there are no current food use registrations for any of these 13 pesticide chemicals EPA proposes to immediately revoke the tolerances for all of the pesticides listed above with the exception of dalapon, diphenamid, glyodin, and DNOC and its sodium salt.

Although no usages in 1992 have been found for the herbicides dalapon and diphenamid, the fungicide glyodin, and the plant regulator DNOC and its sodium salt, and their registered products were canceled over three years ago (except for DNOC, for which the last product was canceled in February 1993), each of these chemicals still had small domestic usages on certain crops as late as 1994 and 1995. EPA has therefore decided to delay the revocation of dalapon, diphenamid, glyodin and DNOC until May 1, 1999, instead of immediately to allow domestic growers who may still have stocks on hand to use up their supplies and permit any treated raw commodities and products processed from such commodities to move through marketing channels, and, therefore, result in little or no domestic impacts. EPA is effecting this delayed revocation by including an expiration date in the tolerance.

The tolerances, food additive and feed additive regulations listed in 40 CFR part 180 being proposed for revocation are as follows: § 180.102 (sesone), § 180.124 (glyodin), § 180.130 (hydrogen cyanide), § 180.150 (dalapon), § 180.161 (manganous dimethyldithiocarbamate (manam)), § 180.230 (diphenamid), § 180.244 (basic zinc sulfate), § 180.250 (metobromuron), § 180.302 (hexachlorophene), § 180.325 2-(*m*-Chlorophenoxy) propionic acid (metachlorophenprop), § 180.344 (4,6-dinitro-*o*-cresol) (DNOC), and its sodium salt, § 180.363 (fluchloralin), § 185.2900 (ethyl formate), § 185.1500 (dalapon), and § 186.1500 (dalapon).

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 any of the ingredients listed herein, may request within 30 days after 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 Federal Food, Drug, and Cosmetic Act (FFDCA).

Interested persons are invited to submit written comments on the proposed regulation. Further, EPA is soliciting comments from anyone adversely affected by revocation of these tolerances, exemption from tolerance, food additive and feed additive regulations. EPA requests that anyone