

of the Clean Air Act Amendments of 1990, will release of its draft report on June 13 from 11:00 a.m. until 1:00 p.m. at the J. W. Marriott, 1331 Pennsylvania Avenue, NW., Washington, DC 20004. Earlier it was reported that the meeting would take place at 1:00 p.m. at the National Press Building; however, that has been changed to the earlier time and new location.

There will be a briefing and the draft report will be available to the public at that time. If you are unable to attend, but wish to receive a copy of the draft report, either fax your request to 202-233-9540, mail your request to the Commission on Risk Assessment and Risk Management, 529 14th Street, NW., Room 452, Washington, DC 20045, or obtain via the Internet at <http://www.riskworld.com>. Be sure to indicate your complete mailing address and a phone number where you can be reached. If you have already requested a copy of the draft report, it is not necessary to send another request.

Comments on the draft report are welcomed by July 18, 1996. Those comments will be considered for discussion at a public meeting in Boston, MA on July 23 from 1 p.m. until 5 p.m. at the John F. Kennedy Federal Building, One Congress Street, Boston, MA 02203-0001 in conference room 11 A & B on the 11th floor. Comments not received by July 18 must be received no later than August 9, 1996 for consideration prior to the completion of the final report. Please send your comments to the Commission on Risk Assessment and Risk Management address listed above.

If you need additional information, please call 202-233-9537. The report will not be available prior to June 13th.

Dated: May 23, 1996.

Gail Charnley,

Executive Director, Commission on Risk Assessment and Risk Management.

[FR Doc. 96-13984 Filed 6-4-96; 8:45 am]

BILLING CODE 6560-50-M

[OPPTS-00187; FRL-5375-8]

Forum on State and Tribal Toxics Action (FOSTTA) Projects; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meetings.

SUMMARY: The four Projects of the Forum on State and Tribal Toxics Action (FOSTTA) will hold meetings open to the public at the time and place listed below in this notice. The public is encouraged to attend the proceedings

as observers. However, in the interest of time and efficiency, the meeting is structured to provide maximum opportunity for state, tribal, and EPA invited participants to discuss items on the predetermined agenda. At the discretion of the chair of the project, an effort will be made to accommodate participation by observers attending the proceedings.

DATES: The four Projects will meet June 24, 1996, from 8 a.m. to 5 p.m., with a plenary session including a brief update on the "State Access to Confidential Business Information Data Project" and ISO 14001 from 8 a.m. to 9:30 a.m., and on June 25, 1996, from 8 a.m. to noon. Any observer wishing to speak should advise the Designated Federal Official, Darlene Harrod, at the telephone number or e-mail address listed below no later than 4 p.m. on June 17, 1996.

ADDRESSES: The meetings will be held at The Holiday Inn, 480 King St., Alexandria, VA.

FOR FURTHER INFORMATION CONTACT:

Darlene Harrod, Office of Pollution Prevention and Toxics (7408), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: (202) 260-6904, e-mail: harrod.darlene@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: FOSTTA, a group of state and tribal toxics environmental managers, is intended to foster the exchange of toxics-related program and enforcement information among the states/tribes and between the states/tribes and EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) and Office of Enforcement and Compliance Assurance (OECA). FOSTTA currently consists of the Coordinating Committee and four issue-specific Projects. The Projects are: (1) The Toxics Release Inventory Project; (2) The State and Tribal Enhancement Project; (3) The Chemical Management Project; and (4) The Lead (Pb) Project.

List of Subjects

Environmental protection.

Dated: May 29, 1996.

Susan B. Hazen,

Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics.

[FR Doc. 96-14081 Filed 6-4-96; 8:45 am]

BILLING CODE 6560-50-F

[OPP-300427; FRL-5374-8]

Iprodione; Request for Comment on Petition to Revoke Food Additive Regulations for Raisins and Dried Ginseng

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and availability of petition.

SUMMARY: This document announces the receipt of and solicits comments on a petition proposing the revocation of the section 409 food additive regulation established under the Federal Food, Drug and Cosmetic Act (FFDCA), for iprodione in or on raisins and dried ginseng. This notice sets forth the basis for the petitioner's proposal and provides opportunity for comment by the public.

DATES: Written comments, identified by the docket number [OPP-300427] must be received on or before July 5, 1996.

ADDRESSES: By mail, requests for copies of the petition and comments should be forwarded to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of pesticide Programs, 401 M St., SW., Washington, DC 20460. Copies of the petition will be available for public inspection in the public docket from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays, in Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. The telephone number of the docket is 703-305-5805.

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 inspection at the address and hours given above.

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-300427]. No CBI should be submitted through e-mail. Electronic comments on this document may be filed online at any Federal Depository Library. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Niloufar Nazmi, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. WF32C5, Crystal Station #1, 2800 Crystal Drive, Arlington, VA. Telephone: 703-308-8028, e-mail: nazmi.niloufar@epamail.epa.gov.
SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 et seq., authorizes the establishment by regulation of maximum permissible levels of pesticides in foods. Such regulations are commonly referred to as "tolerances." Without such a tolerance or an exemption from the requirement of a tolerance, a food containing a pesticide residue is "adulterated" under section 402 of the FFDCA and may not be legally moved in interstate commerce. 21 U.S.C. 331, 342. EPA was authorized to establish pesticide tolerances under Reorganization Plan No. 3 of 1970. 5 U.S.C. App. at 1343 (1988). Monitoring and enforcement of pesticide tolerances are carried out by the U.S. Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA). EPA can establish a tolerance in response to a petition (FFDCA section 408(d)(1), 409(b)(1)), or on its own initiative (FFDCA sections 408(e), 409(d)).

The FFDCA has separate provisions for tolerances for pesticide residues on raw agricultural commodities (RACs) and tolerances on processed food. For pesticide residues in or on RACs, EPA establishes tolerances, or exemptions from tolerances when appropriate, under FFDCA section 408. 21 U.S.C. 346a. EPA regulates pesticide residues in processed foods under FFDCA section 409, which pertains to "food additives." 21 U.S.C. 348. Maximum residue regulations established under section 409 are commonly referred to as food additive regulations (hereafter referred to as "FARs"). Section 409 FARs are needed, however, only for certain pesticide residues in processed food. Under section 402(a)(2) of the FFDCA, a pesticide residue in processed food generally will not render the food adulterated if the residue results from application of the pesticide to a RAC

and the residue in the processed food when ready to eat is below the RAC tolerance. This exemption in section 402(a)(2) is commonly referred to as the "flow-through" provision because it allows the section 408 raw food tolerance to flow through to the processed food forms. Thus, a section 409 FAR is only necessary to prevent foods from being deemed adulterated when the level of the pesticide residue in a processed food when ready to eat is greater than the tolerance prescribed for the RAC, or if the processed food itself is treated or comes in contact with a pesticide. If a FAR must be established, section 409 of the FFDCA requires that the use of the pesticide will be "safe" (21 U.S.C. 348(c)(3)). Relevant factors in this safety determination include (1) the probable consumption of the pesticide or its metabolites; (2) the cumulative effect of the pesticide in the diet of man or animals, taking into account any related substances in the diet; and (3) appropriate safety factors to relate the animal data to the human risk evaluation. Section 409 also contains the Delaney clause, which specifically provides that "no additive shall be deemed safe if it has been found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer when ingested by man or animal."

FARs are currently established in 40 CFR 185.3750 for iprodione in or on dried ginseng and raisin.

II. Petition

A. Raisins

Rhone-Poulenc is proposing labeling restrictions which would prohibit the use of iprodione products on grapes used to produce raisins. The Petitioner believes that enforcement of the label restriction is possible because: (1) Early in the growing season, several cultural practices differentiate grapes grown for raisin production from those grown for table or wine grape; and (2) raisins are the only commodity produced from raisin grapes and introduced into commerce. Rhone-Poulenc contends that a less elaborate trellis system is used for raisin grapes than for table grapes. In addition, raisin grapes are not irrigated after early August whereas the table and wine grapes require irrigation late into the season. Furthermore, producers growing grapes for table use tend to use gibberellin early in the season to increase size which makes those grapes undesirable as raisins. Rhone-Poulenc also claims that all raisins are sold under a contract with a buyer, prior to the beginning of the

growing season. Therefore, grapes intended to be grown for table use or wine production would never be sold as raisins.

To ensure compliance with the proposed label restriction, Rhone-Poulenc commits to conducting an industry educational program. This effort would be in California which is the only state where raisins are commercially produced. The program would target the Licensed Pest Control Advisors (PCA), reseller, County Agricultural Commissioner, and raisin buyers to inform them of the label restriction.

Rhone-Poulenc proposes to:

(1) Develop a direct mail notice to the PCAs in the predominant raisin growing counties of Fresno, Tulare, and Madera, in California.

(2) Develop a product bulletin for Rhone-Poulenc's sales associates to distribute to resellers and County Agricultural Commissioners.

(3) Place the label restriction in the Crop Data Management System (CDMS). The Petitioner claims that 80 to 90 percent of the recommendations written by a PCA are generated by computer through CDMS.

(4) Communicate in person with the management of raisin buying companies such as SunMaid. Rhone-Poulenc will attempt to have these companies put in writing, that they will not accept any raisins treated with iprodione products.

B. Dried Ginseng

The petitioner claims that ginseng is not a ready-to-eat commodity because of the significant amount of dilution of dried ginseng in preparation of a ready-to-eat food. According to Rhone-Poulenc, once dried ginseng is in its ready-to-eat form, residues are unlikely to exceed the RAC tolerance.

EPA invites comment on the petition to withdraw the food additive regulation for raisins and dried ginseng.

It should be noted that on January 18, 1995, EPA published a proposed rule in the Federal Register to revoke the section 409 FAR for iprodione in or on dried ginseng and raisins. That proposal was based on a determination that iprodione induces cancer in animals, and thus, the regulation violates the Delaney clause in section 409 of the FFDCA. However, the Agency could finalize revocation of the dried ginseng and raisin regulation on the grounds requested in the petition announced in this notice.

Pursuant to 40 CFR 177.125 and 177.130, EPA may issue an order ruling on the petition or may issue a proposal in response to the petition and seek further comment. If EPA issues an order

in response to the petition, any person adversely affected by the order may file written objections and a request for a hearing on those objections with EPA on or before the 30th day after date of the publication of the order, (40 CFR 178.20).

A record has been established for this document under docket number [OPP-300427] (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 document, 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 record which 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 document.

Dated: May 23, 1996.

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

[FR Doc. 96-13823 Filed 6-4-96; 8:45 am]

BILLING CODE 6560-50-F

[PP 5E4477 and 5E4478/T689; FRL 5371-2]

EarthGro Inc.; Establishment of Exemptions From Requirement of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established exemptions from the requirement of tolerances for *Flavobacterium balustinum* strain 299 (ATCC 53198)

and *Trichoderma hamatum* isolate 382 (ATCC 20765) in or on certain raw agricultural commodities.

DATES: These temporary exemptions from the requirement of tolerances expire March 1, 1998.

FOR FURTHER INFORMATION CONTACT: By mail: Diana Horne, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm., Crystal Station, 5th Fl., 2800 Crystal Drive, Arlington, VA (703) 308-8367; e-mail: horne.diana@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Earthgro, Inc., Route 207, P.O. Box 143, Lebanon, CT 06249, has requested in pesticide petitions (PP) 5E4477 and 5E4478 the establishment of exemptions from the requirement of tolerances for use on selected ornamentals and vegetable bedding plants in or on certain raw agricultural commodities as follows:

1. Pesticide petition (PP) 5E4477 has established an exemption from the requirement of a tolerance for *Flavobacterium balustinum* strain 299 (ATCC 53198) for use on selected ornamentals and vegetable bedding plants in or on the raw agricultural commodities broccoli, cabbage, cauliflower, cucumber, eggplant, lettuce, cantaloupe, pepper, tomato and watermelon.

2. Pesticide petition (PP) 5E4478 has established an exemption from the requirement of a tolerance for *Trichoderma hamatum* isolate 382 (ATCC 20765) for use on selected ornamentals and vegetable bedding plants in or on the raw agricultural commodities broccoli, cabbage, cauliflower, cucumber, eggplant, lettuce, cantaloupe, pepper, tomato and watermelon.

These temporary exemptions from the requirement of tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 69006-EUP-1, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that exemptions from the requirement of tolerances will protect the public health. Therefore, the temporary exemptions from the requirement of tolerances have been established on the condition that the pesticides be used in accordance with

the experimental use permit and with the following provisions:

1. The total amount of the active ingredients to be use must not exceed the quantity authorized by the experimental use permit.

2. Earthgro, Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary exemptions from the requirement of tolerances expire March 1, 1998. Residues remaining in or on all raw agricultural commodities after this expiration date will not be considered actionable if the pesticides are legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemptions from the requirement of tolerances. These temporary exemptions from the requirement of tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirement of section 3 of Executive Order 12866.

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).

Authority: 21 U.S.C. 346a(j).

List of Subjects

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

Dated: May 20, 1996.

Janet L. Andersen,
Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 96-13822 Filed 6-4-96; 8:45 am]

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