

Include the ICR number in any correspondence. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after June 27, 1996, a comment to OMB is best assured of having its full effect if OMB receives it by July 29, 1996. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

## XII. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to state, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more for any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments. The rule imposes no enforceable duties on any of these governmental entities. Nothing in the proposed program would significantly or uniquely affect small

governments. EPA has determined that this rule contains federal mandates that may result in expenditures of \$100 million or more in any one year for the private sector. EPA believes that the proposed program represents the least costly, most cost-effective approach to achieving the air quality goals of the proposed rule. EPA has performed the required analyses under Executive Order 12866 which contains identical analytical requirements. The reader is directed to section IX, Administrative Designation and Regulatory Analysis, for further information regarding these analyses.

## XIII. Copies of Rulemaking Documents

The preamble, draft regulatory language and draft Regulatory Impact Analysis (RIA) are available in the public docket as described under **ADDRESSES** above and is also available electronically on the Technology Transfer Network (TTN), which is an electronic bulletin board system (BBS) operated by EPA's Office of Air Quality Planning and Standards and via the internet. The service is free of charge, except for the cost of the phone call.

### A. Technology Transfer Network (TTN)

Users are able to access and download TTN files on their first call using a personal computer and modem per the following information.

TTN BBS: 919-541-5742 (1200-14400 bps, no parity, 8 data bits, 1 stop bit)  
Voice Helpline: 919-541-5384  
Also accessible via Internet: TELNET  
ttnbbs.rtpnc.epa.gov Off-line:  
Mondays from 8:00 AM to 12:00 Noon  
ET

A user who has not called TTN previously will first be required to answer some basic informational questions for registration purposes. After completing the registration process, proceed through the following menu choices from the Top Menu to access information on this rulemaking.

```
<T> GATEWAY TO TTN TECHNICAL
      AREAS (Bulletin Boards)
<M> OMS—Mobile Sources Information
<K> Rulemaking & Reporting
<5> Heavy-duty/Diesel
<1> File area #1...Heavy-duty Truck and
      Bus Standards
```

At this point, the system will list all available files in the chosen category in reverse chronological order with brief descriptions. To download a file, select a transfer protocol that is supported by the terminal software on your own computer, then set your own software to receive the file using that same protocol.

If unfamiliar with handling compressed (i.e. ZIP'ed) files, go to the

TTN top menu, System Utilities (Command: 1) for information and the necessary program to download in order to unzip the files of interest after downloading to your computer. After getting the files you want onto your computer, you can quit the TTN BBS with the <G>oodbye command.

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

### B. Internet

Rulemaking documents may be found on the internet as follow:

#### World Wide Web

<http://www.epa.gov/omswww>

#### FTP

<ftp://ftp.epa.gov> Then CD to the /pub/  
gopher/OMS/ directory

#### Gopher

[gopher://gopher.epa.gov:70/11/Offices/  
Air/OMS](gopher://gopher.epa.gov:70/11/Offices/Air/OMS)

Alternatively, go to the main EPA  
gopher, and follow the menus:  
<gopher.epa.gov>

EPA Offices and Regions  
Office of Air and Radiation  
Office of Mobile Sources

#### List of Subjects in 40 CFR Part 86

Environmental protection,  
Administrative practice and procedure,  
Air pollution control, Motor vehicles,  
Motor vehicles pollution, Reporting and  
recordkeeping requirements, Research.

Dated: June 19, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96-16330 Filed 6-26-96; 8:45 am]

BILLING CODE 6560-50-P

## 40 CFR Parts 180, 185 and 186

[OPP-300433; FRL-5380-9]

RIN 2070-AC18

### Glyphosate; Proposed Revision of Tolerances

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA has completed the reregistration process and issued a Reregistration Eligibility Decision document (RED) for the herbicide glyphosate (N-phosphonomethyl glycine). In the reregistration process, all information to support a pesticide's continued registration is reviewed for

adequacy and, when needed, supplemented with new scientific studies. Based on the RED tolerance assessments for glyphosate and subsequent comments, EPA is proposing to revise food and feed tolerances, food additive regulations and feed additive regulations. In addition, this document proposes to revise the tolerance expression for residues of glyphosate for all glyphosate food and feed tolerances, food additive regulations and feed additive regulations.

**DATES:** Written comments, identified by the docket control number OPP-300433, must be received on or before August 26, 1996.

**ADDRESSES:** By mail, submit comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. In person, deliver comments to Rm. 1132, Crystal Mall #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 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-300433. 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 in the SUPPLEMENTARY INFORMATION section of this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: Paul Parsons, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Special Review Branch, Crystal Station #1, 3rd floor, 2800 Crystal Drive, Arlington, VA. Telephone (703) 308-8037, e-mail: parsons.paul@epamail.epa.gov.  
**SUPPLEMENTARY INFORMATION**

### I. Legal Authorization

The Federal Food, Drug, and Cosmetic Act (FFDCA) [21 U.S.C. 301 et seq.] authorizes the establishment of tolerances (maximum legal residue levels) and exemptions from the requirement of a tolerance for residues of pesticide chemicals in or on raw agricultural commodities pursuant to

section 408 [21 U.S.C. 346(a)]. Without such tolerances or exemptions, a food containing pesticide residues is considered to be "adulterated" under section 402 of the FFDCA, and hence may not legally be moved in interstate commerce [21 U.S.C. 342]. To establish a tolerance or an exemption under section 408 of the FFDCA, EPA must make a finding that the promulgation of the rule would "protect the public health" [21 U.S.C. 346a(b)]. To establish food additive regulations (FARs) to cover pesticide residues in processed foods under section 409 of FFDCA, EPA must determine that the proposed use of the food additive will be safe (21 U.S.C. 348). For a pesticide to be sold, distributed, and used in the production of food crops, animals, or processed food, the pesticide must not only have appropriate tolerances or FARs under the FFDCA, but also must be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

In 1988, Congress amended the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and required EPA to review and reassess the potential hazards arising from currently registered uses of pesticides registered prior to November 1, 1984. As part of this process, the Agency must determine whether a pesticide is eligible for reregistration and if any subsequent actions are required to fully attain reregistration status. EPA has chosen to include in the reregistration process a reassessment of existing tolerances or exemptions from the need for a tolerance. Through this reassessment process, EPA can determine whether a tolerance must be amended, revoked, or established, or whether an exemption from the requirement of one or more tolerances must be amended or is necessary.

The procedure for establishing, amending, or repealing tolerances or exemptions from the requirement of tolerances is set forth in the Code of Federal Regulations at 40 CFR part 177 through 180. The Administrator of EPA or any person may initiate an action proposing to establish, amend, revoke, or exempt a tolerance for a pesticide registered for food uses. Each petition or request for a new tolerance, an amendment to an existing tolerance, or a new exemption from the requirement of a tolerance must be accompanied by a fee or a request for a waiver of such fee. Current Agency policy on tolerance actions arising from the reregistration process is to administratively process some actions without requiring payment of a fee; this waiver of fees applies to revisions or revocations of established

tolerances, and to proposed exemptions from the requirement of a tolerance if the proposed exemption requires the concurrent revocation of an established tolerance. Comments submitted in response to the Agency's published proposals are reviewed; the Agency then publishes its final determination regarding the specific tolerance actions.

## II. Regulatory Background and Proposed Actions

### A. Regulatory Background

The tolerance proposals described in this action follow the Agency's tolerance reassessment that was completed and included in the Reregistration Eligibility Decision (RED) for glyphosate dated September 1993. While the reassessment determined that many tolerances established for glyphosate are adequate and supported by sufficient data, many changes are needed to other glyphosate tolerances for various reasons, including: increasing or decreasing existing tolerances based on new data, harmonizing with CODEX when appropriate, and revising commodity terminology, Crop Group designations, and definitions that are not in accordance with the revised Crop Group Regulation (40 CFR part 180, 60 FR 26626, May 17, 1995; FRL-4939-9) or with the final 860 Series Residue Chemistry Guidelines (860.1000) published as public drafts on August 25, 1995 (60 FR 44343) (formerly Table II of Subdivision O, Residue Chemistry, of the Pesticide Assessment Guidelines). Also, this notice will correct any errors in the RED tolerance reassessment.

Several maximum residue limits (MRLs) for glyphosate have been established by the Codex Committee on Pesticide Residues, a committee within the Codex Alimentarius Commission, an international organization formed to promote the coordination of international food standards. When the Agency has sufficient data to make a determination that the risk is not unreasonable, EPA seeks to harmonize U.S. tolerances with CODEX MRLs. CODEX regulates glyphosate *per se* while the United States regulates the combined residues of glyphosate and its metabolite aminomethylphosphonic acid (AMPA). The Agency has determined that AMPA no longer needs to be regulated and therefore is proposing to delete it from the tolerance expression. Based on this determination, the expression of the U.S. tolerances and the CODEX MRLs will be the same.

This document also takes into account final tolerance actions taken subsequent

to the RED. The first of these actions was establishment of a tolerance of 25 ppm on almond, hulls, 1 ppm on the tree nuts crop group, 5 ppm on wheat, grain, 85 ppm on wheat, straw, and 20 ppm on wheat milling fractions (except flour) on July 7, 1993 (58 FR 36358). Wheat milling fractions have subsequently been renamed wheat bran, middlings, and shorts.

The second group of actions was published in the Federal Register April 5, 1996 (61 FR 15192; FRL-5351-1). That final rule established or amended tolerances for alfalfa and soybeans and their associated commodities, sunflowers, animal kidneys, and citrus fruit and associated commodities, revoked the tolerance for soybean straw, and deleted AMPA from the tolerance expression for all tolerances affected by the notice. This document proposes to include the tolerance for alfalfa forage and alfalfa hay in the tolerance for the non-grass animal feeds group, forage and hay.

This document amends 40 CFR 180.364, 185.3500, and 186.3500.

#### B. Proposed Actions

1. *AMPA*. The food and feed tolerances currently listed in 40 CFR 180.364(a), (b), and (c), and the food additive and feed additive regulations listed in 40 CFR 185.3500 and in 40 CFR 186.3500 are for the combined residues of glyphosate and its metabolite (AMPA) resulting from the application of glyphosate and its salts for herbicidal or plant growth regulation purposes. Upon receipt and review of additional toxicological data, EPA has determined that AMPA is no longer of toxicological concern. EPA bases this conclusion on a 90-day feeding study in rats (EPA MRID #241351) which shows the very low toxicity of AMPA. Therefore, there is no need to monitor levels of AMPA residue and EPA is proposing to delete this compound from the tolerance expression in 40 CFR 180.364(a), (b), and (c), 185.3500 and in 186.3500.

The tolerances currently listed in § 180.364(d), which were established after the issuance of the RED in September 1993, do not include AMPA in the tolerance expression. Therefore, the tolerances now in § 180.364(d) are proposed to be incorporated in § 180.364(a), and § 180.364(d) will be deleted.

2. *Negligible residue terminology*. Some tolerances currently listed under 40 CFR 180.364(a) are described as being negligible residues, denoted "N." The Agency no longer uses negligible residue terminology, and so this notice proposes to delete references to negligible residues. These deletions do not change the numerical value of the

tolerances. The current tolerances affected by this proposed change are grain crops (except wheat); grasses, forage; leafy vegetables; seed and pod vegetables; seed and pod vegetables, forage; and seed and pod vegetables, hay.

3. *Revisions to tolerances and food and feed additive regulations*. The RED identified the need to revise or revoke tolerances and food or feed additive regulations for glyphosate. These proposed actions are based on new data which indicate that a change is needed in the tolerance or food and feed additive regulations. When possible, EPA has sought to harmonize tolerances and food and feed additive regulations with CODEX MRLs.

The dietary risk resulting from the changes proposed in the RED do not result in an unreasonable risk. The Agency estimates chronic dietary risks for noncancer endpoints by comparing dietary exposure to the Reference Dose (RfD). The RfD is an estimate of the daily oral exposure to humans over a lifetime that is not expected to result in adverse health effects. The RfD is based on the determination of a critical effect from a review of all toxicity data and a judgment of uncertainty. In the case of glyphosate, the RfD is 2 mg/kg body weight/day, based on a no-observed effect level (NOEL) of 175 mg/kg bodyweight/day from a developmental toxicity study in rabbits, and an uncertainty factor of 100 to account for extrapolation from animal data to humans and variability in the human population. Using conservative assumptions, glyphosate residues represent 1.4 percent of the RfD.

The following sections describe the proposed substantive changes in the glyphosate tolerances and food and feed additive regulations.

a. *Food and feed tolerances: 40 CFR 180.364(a)*. i. *Commodity name changes*. EPA has changed the name of the commodity acerola to Barbados cherry, and the name of the commodity genip to marmaladebox.

ii. *Cotton forage*. EPA proposes to revoke the tolerance for cotton hay and cotton forage since these are no longer used as livestock feed items.

iii. *Forage grasses*. In accordance with the revised Crop Group Regulation (40 CFR part 180) (60 FR 26626, May 17, 1995), the grass forage, fodder, and hay group now includes all of the forage grasses for which tolerances have been established. EPA proposes to replace the established tolerances for forage grasses (0.2 ppm); grasses, forage (0.2 ppm); Bahiagrass; Bermudagrass; bluegrass; brome grass; fescue; orchardgrass; ryegrass; timothy; and wheatgrass (all

currently set at 200 ppm), with a tolerance for residues in or on the grass forage, fodder, and hay group at 100 ppm. The available field data indicate that following registered use, residues in or on the grass forage, fodder, and hay group are greater than 0.2 ppm but will not exceed 100 ppm, so the higher tolerance level of 200 ppm is unnecessary.

iv. *Kiwifruit*. EPA proposes to decrease the tolerance for kiwifruit from 0.2 ppm to 0.1 ppm. The Agency has re-examined field data to support this tolerance, and its reconsideration shows that this value will be appropriate and will harmonize with the Codex Maximum Residue Levels (MRLs).

v. *Okra*. Okra was included in the now-obsolete seed and pod vegetables crop group, which has been replaced by "legume vegetables (succulent or dried) group." This new group does not include okra. Therefore, EPA proposes to establish a tolerance for okra at the same level as before, 0.2 ppm.

vi. *Root vegetables*. The Monsanto Company, sole technical registrant of glyphosate, noted that all of the representative commodities (carrot, potato, radish, and sugar beet) for the Root and Tuber Vegetables Crop Group have established tolerances at 0.2 ppm. Therefore, EPA proposes to establish a tolerance of 0.2 ppm for this Crop Group. The listings for individual commodities in this crop group (Jerusalem artichoke, garden beet, chicory root, carrot, horseradish, parsnip, potato, radish, rutabaga, salsify, sugar beet, sweet potato, turnip, and true yam), do not need to be listed separately in § 180.364(a), and so will be deleted.

vii. *Sapote*. Sapote has been a general term for a number of different tropical fruits. EPA proposes to replace the tolerance for sapote at 0.2 ppm with separate tolerances for black sapote and white sapote, already established at 0.2 ppm, and mamey sapote, also at 0.2 ppm.

viii. *Small fruits and berries*. EPA proposes to establish separate tolerances for strawberries, cranberries and grapes at 0.2 ppm. All three commodities were members of the former small fruits and berries group, which has been revised to no longer include them.

ix. *Seed and pod vegetables; legume crops*. EPA proposes to replace the existing tolerances for alfalfa (200 ppm), alfalfa fresh and hay (0.2 ppm), clover (200 ppm), and forage legumes (except soybeans and peanuts) (0.4 ppm) with a tolerance of 200 ppm for residues in or on the non-grass animal feeds (forage, fodder, straw, and hay) group, which now includes these commodities. In

establishing this group tolerance, EPA has considered field data to show that this value is appropriate. EPA also proposes to include the tolerance for alfalfa forage (75 ppm) and alfalfa hay (200 ppm), published in the Federal Register April 5, 1996 (61 FR 15192) in the non-grass animal feeds group, forage and hay (200 ppm) and to delete the individual tolerances for alfalfa forage and alfalfa hay.

EPA proposes to replace the established crop group tolerances for the now-obsolete crop group "seed and pod vegetables" with "legume vegetables (succulent or dried) group (except soybeans)," and to increase these tolerances from 0.2 ppm to 5 ppm. The Agency has considered field data to show that this value is appropriate and will harmonize with the Codex MRLs. Soybeans are excluded from the legume vegetable crop group because the use pattern for soybeans is different from other legume vegetables, resulting in higher residues. Notice of a final rule revising tolerances for soybeans and associated commodities was published in the Federal Register April 5, 1996 (61 FR 15192).

b. *Food and feed tolerances: 40 CFR 180.364(b).* EPA proposes to revoke the tolerance for peanut, hulls (shells) since these are no longer used as a livestock feed item.

EPA proposes to increase the U.S. tolerance for cattle, liver from 0.5 ppm to 2.0 ppm; and to increase the U.S. tolerance for hogs, liver from 0.5 ppm to 1.0 ppm. The Agency has considered livestock residue data to show that these values are appropriate, and will harmonize with the Codex MRLs.

c. *Food and feed tolerances: 40 CFR 180.364(c).* EPA proposes to establish a tolerance for okra at 0.1 ppm. Okra is a nonleguminous member of the now-obsolete seed and pod vegetables crop group, which has been replaced by "legume vegetables (succulent or dried) group." This new group does not include okra. There are no other changes to these tolerances except in crop terminology.

d. *Food and feed tolerances: 40 CFR 180.364(d).* There are no other changes to these tolerances except in crop terminology.

e. *Food additive regulations: 40 CFR 185.3500.* There are no changes to these food additive regulations except in crop terminology.

f. *Feed additive regulations: 40 CFR 186.3500.* EPA proposes to revoke the tolerance for citrus, molasses, since this is no longer used as a livestock feed item. There are no other changes to these feed additive regulations except in crop terminology.

4. *Revising commodity definitions.* Many current glyphosate tolerances and food or feed additive regulations include commodity terminology, crop group designations or definitions that are not in accordance with the revised Crop Group Regulation (40 CFR Part 180, 60 FR 26626, May 17, 1995) or with the final 860 Series Residue Chemistry Guidelines (860.1000) published as public drafts on August 25, 1995 (60 FR 44343) (formerly Table II of Subdivision O, Residue Chemistry, of the Pesticide Assessment Guidelines). These changes in commodity terminology do not involve any change in the numerical value of the tolerance or food or feed additive regulation. The proposed amendments at the end of this document list these changes in commodity terminology.

5. *Corrections to the RED.* The RED indicated that there were no registered glyphosate products for use on many minor crops, mostly subtropical fruits and vegetables, for which there are established tolerances in § 180.364(a). Therefore, the RED noted that these tolerances should be revoked. However, the Agency has discovered that these uses are listed on current glyphosate labels, and so will not propose to revoke the associated tolerances.

The RED also indicated that the tolerances for cranberries and grapes in § 180.364(a) should be revoked, since these commodities would be included under the small fruits and berries group. On August 25, 1993, the Agency proposed to revise this crop grouping to exclude cranberries and grapes (58 FR 44990). This action would, in effect, leave cranberries and grapes with no established tolerances, so the EPA will not propose to revoke these established tolerances.

The RED also indicated that the tolerance for instant tea in § 185.3500 should be revoked, since this commodity was not listed in Table II of Subdivision O, Residue Chemistry, of the Pesticide Assessment Guidelines. However, the most recent update of Table II, from September 1995, does include instant tea as a processed commodity, so the tolerance will be retained at 1.0 ppm.

### III. Comments Received in Response to RED Regarding Tolerances

The Monsanto Company made several comments in response to the RED tolerance reassessment. Monsanto commented on inconsistencies in the RED document and provided new information or clarifications regarding proposals in the RED tolerance reassessment. In most cases the Agency

agreed with Monsanto and the Agency's decision is reflected in this proposal.

### IV. Public Comment Procedures

Interested persons are invited to submit written comments, information, or data in response to this proposed rule. Comments must be submitted by August 26, 1996.

Information submitted as a comment concerning this document may be claimed confidential by marking any 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 a 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.

A record has been established for this proposal under docket number OPP-300433 (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 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 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 comments 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 Virginia address in "ADDRESSES" at the beginning of this document.

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 proposed rule in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

To satisfy requirements for analysis specified by Executive Order 12866 and the Regulatory Flexibility Act, EPA has considered impacts of this proposal, and determined that they will be negligible.

#### V. References

The following reference was used in the preparation of this final rule.

U.S. Environmental Protection Agency. Reregistration Eligibility Document (RED) Glyphosate Case 0178. September 1993.

#### VI. Regulatory Assessment Requirements

To satisfy requirements for analysis specified by Executive Order 12866, the Regulatory Flexibility Act, the Paperwork Reduction Act, and the Unfunded Mandates Reform Act, EPA has analyzed the impacts of this proposal.

##### A. Executive Order 12866

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 (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.

##### B. Regulatory Flexibility Act

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).

##### C. Paperwork Reduction Act

This proposed regulatory action does not contain any information collection requirements subject to review by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

##### D. Unfunded Mandates Reform Act

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).

##### List of Subjects

##### 40 CFR Part 180

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

##### 40 CFR Part 185

Food additives, Pesticides and pest.

##### 40 CFR Part 186

Animal feeds, Pesticides and pest.  
Dated: June 20, 1996.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR, Chapter I, parts 180, 185 and 186 are proposed to be amended as follows:

#### PART 180—[AMENDED]

##### 1. In Part 180:

a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. Section 180.364 is revised to read as follows:

##### § 180.364 Glyphosate, tolerances for residues.

(a) Tolerances are established for the residues of glyphosate (*N*-phosphonomethyl glycine) *per se* resulting from application of the

isopropylamine salt of glyphosate and/or the monoammonium salt of glyphosate in or on the following agricultural commodities:

Commodity	Parts per million
Almond, hulls .....	25
Asparagus .....	0.5
Atemoya .....	0.2
Avocado .....	0.2
Banana .....	0.2
Barbados cherry .....	0.2
Berries group .....	0.2
Brassica (Cole) leafy vegetables group .....	0.2
Breadfruit .....	0.2
Bulb vegetables (Allium spp.) group .....	0.2
Cacao bean .....	0.2
Canistel .....	0.2
Carambola .....	0.2
Cereal grains group (except wheat) .....	0.1
Cherimoya .....	0.2
Citrus fruits group .....	0.5
Coconut .....	0.1
Coffee bean, green .....	1.0
Cotton, undelinted seed .....	15
Cranberry .....	0.2
Cucurbit vegetables group .....	0.2
Date .....	0.2
Fig .....	0.2
Foliage of legume vegetables group (except soybean forage and hay) .....	0.2
Forage, fodder, and straw of cereal grains group (except wheat straw) .....	0.2
Fruiting vegetables (except Cucurbits) group .....	0.1
Grape .....	0.2
Grass forage, fodder, and hay group .....	100
Guava .....	0.2
Jaboticaba .....	0.2
Jackfruit .....	0.2
Kiwifruit .....	0.1
Leafy vegetables (except Brassica vegetables) group .....	0.2
Leaves of root and tuber vegetables (human food or animal feed) group .....	0.2
Legume vegetables (succulent or dried) group (except soybean) .....	5
Longan .....	0.2
Lychee .....	0.2
Mamey sapote .....	0.2
Mango .....	0.2
Marmaladebox .....	0.2
Non-grass animal feeds (forage and hay) group .....	200
Okra .....	0.2
Olive .....	0.2
Papaya .....	0.2
Passion fruit .....	0.2
Peanut, hay .....	0.5
Persimmon .....	0.2
Pineapple .....	0.1
Pistachio .....	0.2
Pome fruits group .....	0.2
Pomegranate .....	0.2
Root and tuber vegetables .....	0.2
Sapodilla .....	0.2

Commodity	Parts per million
Sapote, black .....	0.2
Sapote, white .....	0.2
Soursop .....	0.2
Soybean, seed .....	20
Soybean, forage .....	100
Soybean, hay .....	200
Soybean, aspirated grain fractions .....	50
Stone fruits group .....	0.2
Strawberry .....	0.2
Sugar apple .....	0.2
Sunflower, seed .....	0.1
Tamarind .....	0.2
Tree nuts group .....	1.0
Wheat, grain .....	5.0
Wheat, straw .....	85

(b) Tolerances are established for the residues of glyphosate (*N*-phosphonomethyl glycine) *per se* resulting from application of the isopropylamine salt of glyphosate and/or the monoammonium salt of glyphosate for herbicidal and plant growth regulator purposes and/or the sodium sesqui salt for plant regulator purposes in or on the following agricultural commodities:

Commodity	Parts per million
Cattle, kidney .....	4.0
Cattle, liver .....	2.0
Fish .....	0.25
Goat, kidney .....	4.0
Goat, liver .....	0.5
Hog, kidney .....	4.0
Hog, liver .....	1.0
Horse, kidney .....	4.0
Horse, liver .....	0.5
Peanut .....	0.1
Peanut, hay .....	0.5
Poultry, kidney .....	0.5
Poultry, liver .....	0.5
Sheep, kidney .....	4.0
Sheep, liver .....	0.5
Shellfish .....	3.0
Sugarcane .....	2.0

(c) Tolerances are established for the residues of glyphosate (*N*-phosphonomethyl glycine) *per se* resulting from the use of irrigation water containing residues of 0.5 ppm following applications on or around aquatic sites on the following agricultural commodities. Where tolerances are established at higher levels from other uses of glyphosate in or on the subject crops, the higher tolerance should also apply to residues from the aquatic uses cited in this paragraph.

Commodity	Parts per million
Avocado .....	0.1

Commodity	Parts per million
Brassica (Cole) leafy vegetables group .....	0.1
Bulb vegetables ( <i>Allium</i> spp.) group .....	0.1
Cereal grains group .....	0.1
Citrus fruits group .....	0.1
Cotton, undelinted seed .....	0.1
Cucurbit vegetables group .....	0.1
Foliage of legume vegetables group .....	0.1
Forage, fodder, and straw of cereal grains group .....	0.1
Fruiting vegetables (except Cucurbits) group .....	0.1
Grass forage, fodder, and hay group .....	0.1
Hops .....	0.1
Leafy vegetables (except Brassica vegetables) group .....	0.1
Leaves of root and tuber vegetables (human food or animal feed) group .....	0.1
Legume vegetables (succulent or dried) group .....	0.1
Non-grass animal feeds (forage, fodder, straw, and hay) group .....	0.1
Okra .....	0.1
Pome fruits group .....	0.1
Root and tuber vegetables group .....	0.1
Stone fruits group .....	0.1
Tree nuts group .....	0.1

#### PART 185—[AMENDED]

##### 2. In Part 185:

a. The authority citation for part 185 continues to read as follows:  
Authority: 21 U.S.C. 346a and 348.

b. Section 185.3500 is revised to read:

##### § 185.3500 Glyphosate.

(a) Food additive regulations are established for the residues of glyphosate (*N*-phosphonomethyl glycine) *per se* when present therein as a result of the herbicide application to the growing crops:

(1) Glyphosate (*N*-phosphonomethyl glycine) *per se* resulting from the application of the isopropylamine salt of glyphosate for herbicidal purposes and/or the sodium sesqui salt for plant growth regulator purposes.

Commodity	Parts per million
Sugarcane, molasses .....	30.0

(2) Glyphosate (*N*-phosphonomethyl glycine) *per se* resulting from the application of the isopropylamine salt of glyphosate for herbicidal purposes.

Commodity	Parts per million
Olive .....	0.1

Commodity	Parts per million
Palm, oil, refined .....	0.1
Tea, dried .....	1.0
Tea, instant .....	7.0

(3) Glyphosate (*N*-phosphonomethyl glycine) *per se* resulting from the application of the isopropylamine salt of glyphosate or the monoammonium salt of glyphosate for herbicidal purposes.

Commodity	Parts per million
Wheat bran, middlings, and shorts .....	20.0

(b) [Reserved]

#### PART 186—[AMENDED]

##### 3. In Part 186:

a. The authority citation for part 186 continues to read as follows:  
Authority: 21 U.S.C. 348.

b. Section 186.3500 is revised to read:

##### § 186.3500 Glyphosate.

A feed additive regulation is established permitting residues of glyphosate *per se* (*N*-phosphonomethyl glycine) in or on the following feed commodities from application of the isopropylamine salt of glyphosate and/or the monoammonium salt of glyphosate to the raw agricultural commodities citrus and soybeans:

Commodity	Parts per million
Citrus, pulp, dried .....	1.5
Soybean, hulls .....	100

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#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[MM Docket No. 96-120, FCC 96-236]

##### Grandfathered Short-Spaced FM Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This *Notice of Proposed Rule Making* (NPRM) in MM Docket No. 96-120 seeks comment regarding various proposals to modify a current rule to permit certain short-spaced stations to make changes based on a showing that no interference is caused or received, or