

total exemption for portable fire extinguishers for non-residential applications from the Class II Ban at this time. This change in the regulatory language would simply serve to clarify the actual situation for the regulated community and provide a consistent determination regarding suitability based on current information. Furthermore, it would relieve the regulated community from the burdensome task of monitoring federal, state, and local activities concerning the review of other substitutes and attempting to assess at what point the standard of commercial availability has been achieved.

If at some future date, compelling information is brought to the Agency's attention indicating that suitable substitutes are widely available for fire extinguishing applications, EPA may ultimately conclude that suitable substitutes are commercially available and undertake appropriate notice and comment procedures to remove this exemption. EPA requests comment on this proposal.

IV. Summary of Supporting Analysis

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant" regulatory action as one that is likely to lead to a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more, or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined by OMB and EPA that this proposed action to amend to the final rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review under the Executive Order.

B. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995

("Unfunded Mandates Act") requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year. Section 203 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The Agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this NPRM is estimated to result in the expenditure by State, local, and tribal governments or private sector of less than \$100 million in any one year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the Agency is not required to develop a plan with regard to small governments. As discussed in this preamble, this NPRM proposes to provide relief by permitting the use of portable fire extinguishers that contain HCFCs; and therefore, would increase the flexibility in choosing a particular fire extinguishant thus reducing the net effect of the burden of part 82 subpart C of the Stratospheric Protection regulations on regulated entities, including State, local, and tribal governments or private sector entities.

C. Paperwork Reduction Act

Any information collection requirements in a rule must be submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Because no informational collection requirements are proposed by today's action, EPA has determined that the Paperwork Reduction Act does not apply to this rulemaking and no Information Collection Request document has been prepared.

D. Regulatory Flexibility Act

EPA has determined that is not necessary to prepare a regulatory flexibility analysis in connection with this proposed rule. Any impact this proposed rule will have on small entities will be to provide relief from regulatory burdens. EPA has determined that this proposed rule will not have a significant adverse economic impact on a substantial number of small businesses.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Exports, Government procurement, Imports, Labeling, Reporting and recordkeeping requirements.

Dated: July 3, 1996.

Carol M. Browner,
Administrator.

Title 40, Code of Federal Regulations, part 82, is amended to read as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

§ 82.62 [Amended]

2. Section 82.62 is amended by removing paragraphs (j) and (k).

§ 82.68 [Amended]

3. Section 82.68 is amended by removing and reserving paragraphs (f) and (g).

4. Section 82.70 is amended by revising paragraph (a)(2)(vii) to read as follows:

§ 82.70 Nonessential class II products and exceptions.

* * * * *

(a) * * *

(2) * * *

(vii) Portable fire extinguishing equipment used for non-residential applications; and

* * * * *

[FR Doc. 96–17904 Filed 7–17–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180**[OPP-300429; FRL-5376-4]****RIN 2070-AC18****Vinyl Alcohol-Vinyl Acetate Copolymer, Benzaldehyde-*o*-Sodium Sulfonate Condensate; Tolerance Exemption****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: This document proposes to establish an exemption from the requirement of a tolerance for residues of vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate when used as an inert ingredient (water soluble resin) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest and when applied to animals. This proposed regulation was requested by Mitsui Plastics, Inc.

DATES: Written comments, identified by the docket number [OPP-300429], must be received on or before August 19, 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, 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). 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. 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 5.1 file format or ASCII file format. All

comments and data in electronic form must be identified by the docket number [OPP-300429]. 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), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, 6th Floor, Arlington, VA 22202, (703) 308-8380, e-mail: gandhi.bipin@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Mitsui Plastics, Inc., 11 Martine Ave, White Plains, NY 10606, submitted pesticide petition (PP) 6E4718 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 346 a(e)), propose to amend 40 CFR 180.1001(c) and (e) by establishing an exemption from the requirement of a tolerance for residues of vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate when used as an inert ingredient (water soluble resin) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest and applied to animals.

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 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 vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate will need to be submitted. The rationale for this decision is described below.

In the case of certain chemical substances that are defined as "polymers," the Agency has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low risk polymers:

1. Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate contains as an integral part of its composition the atomic elements carbon, hydrogen, oxygen, sodium and sulfur.

3. Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(2)(ii).

4. Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate is not designed, nor is it reasonably anticipated to substantially degrade, decompose or depolymerize.

5. Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate is not manufactured or imported from monomers and/or other reactants that are not already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate is not a water absorbing polymer with a number average molecular weight greater than or equal to 10,000 daltons.

7. The minimum number-average molecular weight of vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate is 20,000 daltons. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response.

8. Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate has a minimum number average molecular weight of 20,000 and contains less than 2 percent oligomeric material below molecular weight 500 and less than 5 percent oligomeric material below 1,000 molecular weight.

9. Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate does contain aliphatic hydroxy groups, aliphatic ester groups, diacetal groups and sodium sulfonate groups as reactive functional groups. However, these reactive groups are not intended or reasonably anticipated to undergo further reactions.

Based on 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, that contains any of the ingredients listed herein, may request within 30 days after the 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 FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the docket number, [OPP-300429].

A record has been established for this rulemaking under docket number [OPP-300429] (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 be placed in the paper copies of the official rulemaking record which also will include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in the "ADDRESSES" at the beginning of this document.

The Office of Management and Budget has exempted this rule from the requirements of section 2 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 requirement 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 an 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: June 25, 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 in paragraphs (c) and (e), is amended by adding alphabetically the inert ingredient "Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-*o*-sodium sulfonate condensate, minimum number average molecular weight (in amu) 20,000," to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
Vinyl alcohol-vinyl acetate copolymer, benzaldehyde- <i>o</i> -sodium sulfonate condensate, minimum number average molecular weight (in amu) 20,000.	* * *	* * * Water soluble resin
* * *	* * *	* *

* * * * * (e) * * *

Inert ingredients	Limits	Uses
Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-o-sodium sulfonate condensate, minimum number average molecular weight (in amu) 20,000.		Water soluble resin

[FR Doc. 96-17925 Filed 7-17-96; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 300

[FRL-5537-8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Bonneville Power Administration (BPA)/Ross Complex from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the Bonneville Power Administration (BPA)/Ross Complex site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law Number 99-400 (CERCLA).

EPA has determined, and Washington State's Department of Ecology (Ecology) has concurred, that the BPA/Ross Complex site poses no significant threat to public health or the environment and, therefore, further remedial measures are not appropriate.

DATES: Comments concerning this site may be submitted on or before August 19, 1996.

ADDRESSES: Comments may be mailed to Nancy Harney, U.S. EPA Region 10, Mail Stop: ECL-111, 1200 6th Avenue, Seattle, Washington 98101.

Comprehensive information on this site is available through the Region 10 Deletion Docket, which is located at EPA's Region 10 office and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Appointments for copies of the

background information from the Regional public docket should be directed to the EPA Region 10 docket office at the following address: Lynn Williams, United States Environmental Protection Agency, Region 10, Environmental Cleanup Office, ECL-110, Superfund Records Center, 1200 6th Avenue, Seattle, Washington 98101.

The Deletion Docket is also available for viewing at the following locations: BPA/Ross Complex, 5411 NE Highway 99, Plant Services Building, 2nd Floor, Vancouver, Washington; Vancouver Regional Library, 1007 East Mill Plain Boulevard, Vancouver, Washington

FOR FURTHER INFORMATION CONTACT:

Nancy Harney, U.S. EPA Region 10, Mail Stop: ECL-111, 1200 6th Avenue, Seattle, Washington 98101, (206) 553-6635.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis of Intended Site Deletion

I. Introduction

The United States Environmental Protection Agency (EPA) Region 10 announces its intent to delete the BPA/Ross Complex site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Contingency Plan ("NCP"), 40 CFR Part 300, and requests comments on this proposed deletion. EPA identifies sites on the NPL that appear to present a significant risk to human health or the environment and maintains the NPL as the list of these sites. EPA may delete a site from the NPL if it determines that no further response is required to protect human health and the environment. As described in Section 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site are later found to warrant such actions.

EPA will accept comments on the proposal to delete this site for thirty days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL.

Section III discusses the procedures that EPA is using for this action. Section IV discusses the BPA/Ross Complex site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with Section 300.425(e) of the NCP, 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other parties have implemented all appropriate response actions required;

(ii) All appropriate response under CERCLA has been implemented, and no further action by responsible parties is appropriate, or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

It is EPA's policy that even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site *above* levels that allow for unlimited use and unrestricted exposure, a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. In the case of this site, the selected remedies are protective of human health and the environment. Consistent with Section XIX of the BPA/Ross Complex Federal Facility Agreement (FFA), BPA will conduct a five-year review of these final remedies. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of this site: (1)