

and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 946

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 17, 1996.

Tim L. Dieringer,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 96-18782 Filed 7-23-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN-173-9637b; FRL-5538-1]

Approval and Promulgation of Implementation Plans—Tennessee: Approval of Source Specific Nitrogen Oxide Permits Into the Tennessee State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve two source specific permits into the Tennessee State Implementation Plan (SIP) submitted to EPA by Tennessee, through the Tennessee Department of Air Pollution Control (TDAPC) which limit nitrogen oxide (NO_x) emissions for certain engines at the Tenneco Energy Portland facility located in Sumner County, Tennessee. These permits are necessary because NO_x reductions from the Tenneco Energy Portland facility were used in calculating the NO_x emissions projections in the maintenance plan for the Middle Tennessee ozone nonattainment area. EPA is proposing approval of the ozone redesignation request in a separate action. In the final rules section of this Federal Register, the EPA is approving these permits as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by August 23, 1996.

ADDRESSES: Written comments on this action should be addressed to William Denman at the Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365. Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents

should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file TN173-01-9637. The Region 4 office may have additional background documents not available at the other locations

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460
Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365; William Denman, 404/347-3555 extension 4208
Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L&C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531; 615/532-0554.

FOR FURTHER INFORMATION CONTACT: William Denman, 404/347-3555 extension 4208.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this Federal Register.

Dated: July 2, 1996.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 96-18647 Filed 7-23-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 180

[PP 4E4417/P671; FRL-5382-8]

RIN 2070-AC18

N-Acyl Sarcosines and Sodium N-Acyl Sarcosinates; Proposed Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that residues of *N*-acyl sarcosines [*N*-oleoyl sarcosine, *N*-stearoyl sarcosine, *N*-lauroyl sarcosine, *N*-myristoyl sarcosine, *N*-cocoyl sarcosine mixture] and sodium *N*-acyl sarcosinates [*N*-methyl-*N*-(1-oxo-9-octadecenyl) glycine, *N*-methyl-*N*-(1-oxooctadecyl) glycine, *N*-methyl-*N*-(1-oxododecyl) glycine, *N*-methyl-*N*-(1-oxotetradecyl) glycine, and *N*-cocoyl sarcosine sodium salt mixture] be exempted from the requirement of a tolerance when used at levels not to exceed 10% as inert ingredients (surfactants) in pesticide formulations applied to growing crops, crops after harvest, and on animals. This proposed regulation was requested by Hampshire

Chemical Company, pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: Comments, identified by the docket control number [PP 4E4417/P671], must be received on or before August 23, 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 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 4E4417/P671]. 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: Amelia M. Acierto, 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) 308-8375, e-mail: acierto.amelia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Hampshire Chemical Company, 55

Hayden Avenue, Lexington, MA 02173, has submitted pesticide petition (PP) 4E4417 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(c) and (e) by establishing an exemption from the requirement of a tolerance for *N*-acyl sarcosines [*N*-oleoyl sarcosine (CAS Reg. No. 110-25-8); *N*-stearoyl sarcosine (CAS Reg. No. 142-48-3); *N*-lauroyl sarcosine (CAS Reg. No. 97-78-9); *N*-myristoyl sarcosine (CAS Reg. No. 52558-73-3); *N*-cocoyl sarcosine mixture (CAS Reg. No. 68411-97-2); and sodium *N*-acyl sarcosinates [*N*-methyl-*N*-(1-oxo-9-octadecenyl) glycine (CAS Reg. No. 3624-77-9); *N*-methyl-*N*-(1-oxooctadecyl) glycine (CAS Reg. No. 5136-55-0); *N*-methyl-*N*-(1-oxododecyl) glycine (CAS Reg. No. 137-16-6); *N*-methyl-*N*-(1-oxotetradecyl) glycine (CAS Reg. No. 30364-51-3); and *N*-cocoyl sarcosine sodium salt mixture (CAS Reg. No. 61791-59-1)] when used at levels not to exceed 10% as inert ingredients (surfactants) in pesticide formulations applied to growing crops, crops after harvest and animals under 40 CFR 180.1001(c) and (e).

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 *N*-acyl sarcosines and their corresponding sodium salts will need to be submitted. The rationale for this decision is described below:

1. *N*-Acyl sarcosines form a large class of chemical compounds that have been used for years in soaps, toiletries, toothpastes, medicated skin cleaners and shampoos and other consumer products.

2. *N*-Acyl sarcosines have approved uses under the Federal Food, Drug, and Cosmetic Act (FFDCA):

(a) Lauroyl and stearoyl sarcosines are approved for use as release agents in coatings at levels up to 0.3% by weight of the finished food packaging cellophane (21 CFR 177.1200).

(b) Lauroyl sarcosine, sodium salt is approved for use in food packaging made of vinylidene chloride copolymer up to 0.35% by weight (21 CFR 177.1200) and for use in holding food (21 CFR 175.105).

(c) Oleoyl sarcosine [listed as *N*-methyl-*N*-(1-oxo-9-octadecenyl) glycine] is approved for use as a corrosion inhibitor at levels of up to 0.5% of the lubricants used on machinery used for processing, manufacturing, packing, processing, preparing, treating, packaging, transporting or holding food (21 CFR 178.3570).

3. *N*-Acyl sarcosines where the acyl group is lauroyl, oleoyl, or derived from the combined fatty acids of coconut oil (i.e., cocoyl) are approved for use as anti-static and/or antifogging agents at levels up to a total of 0.15% by weight of polyolefin film used for packaging meat, fresh fruits, and fresh vegetables (21 CFR 178.3130).

4. The structurally similar compounds, *N*-methyl-*N*-oleoyltaurine, sodium salt and *N*-methyl-*N*-palmitoyltaurine, sodium salt are approved for use as surfactants in pesticide formulations applied to growing crops or to raw agricultural commodities under 40 CFR 180.1001(c) and are included in the EPA's list of inert ingredients accepted for non-food use.

5. *N*-Methyl-*N*-oleoyl glycine and *N*-methyl-*N*-oleoyltaurine, sodium salt, two other structurally similar compounds, are included in the EPA list of inert ingredients approved for non-food use pesticides.

6. *N*-Acyl sarcosines were negative in dermal irritation, dermal sensitization and mutagenicity studies.

7. Hazard to aquatic organisms is not expected at the proposed use rates based on ecotoxicology studies of *N*-acyl sarcosines with fish and aquatic invertebrates.

8. Based on the worst case assumption regarding the dietary risks resulting

from exposure to *N*-acyl sarcosines and its salts when used at levels not to exceed 10% of pesticide formulations, residues of *N*-acyl sarcosines and their sodium salts would not be considered to be toxicologically significant.

Based on the extensive use of *N*-acyl sarcosines and their sodium salts in various consumer products such as toothpastes, soaps, medicated skin cleaners and medicated shampoos; its physico-chemical properties; the fact that some of these chemicals have been approved for food use applications, and the review of its use, the Agency does not believe that a potential for hazard exists when *N*-acyl sarcosines and their sodium salts are used in accordance with good agricultural practice. The Agency believes that these ingredients are 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 control number, [PP 4E4417/P671].

A record has been established for this rulemaking under docket number [PP 4E4417/P671] (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 Virginia 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 1955 (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 (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).

List of Subjects in 40 CFR Part 180

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

Dated: July 10, 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 paragraph (c) and (e) is amended by adding alphabetically the following inert ingredients:

§ 180.1001 Exemptions from the requirements of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
<p>* * * * *</p> <p><i>N</i>-Cocoyl sarcosine mixture (CAS Reg. No. 68411-97-2) [composed of <i>N</i>-methyl-<i>N</i>-(1-oxooctyl) glycine, <i>N</i>-methyl-<i>N</i>-(1-oxodecyl) glycine, <i>N</i>-methyl-<i>N</i>-(1-oxododecyl) glycine, <i>N</i>-methyl-<i>N</i>-(1-oxotetradecyl) glycine, (<i>N</i>-methyl-<i>N</i>-(1-oxohexadecyl) glycine and <i>N</i>-methyl-<i>N</i>-(1-oxooctadecyl)glycine.</p> <p><i>N</i>-Cocoyl sarcosine, sodium salt mixture (CAS Reg. No. 61791-59-1)</p>	<p>Not to exceed 10% by weight of pesticide formulation.</p> <p>Not to exceed 10% by weight of pesticide formulation.</p>	<p>Surfactant.</p> <p>Surfactant.</p>
<p>* * * * *</p> <p><i>N</i>-Lauroyl sarcosine (CAS Reg. No. 97-78-9)</p>	<p>Not to exceed 10% by weight of pesticide formulation.</p>	<p>Surfactant.</p>
<p>* * * * *</p> <p><i>N</i>-Methyl-<i>N</i>-(1-oxododecyl) glycine, sodium salt (CAS Reg. No. 137-16-6)</p> <p><i>N</i>-Methyl-<i>N</i>-(1-oxo-9-octadecenyl) glycine, sodium salt CAS Reg. No. 3624-77-9)</p> <p><i>N</i>-Methyl-<i>N</i>-(1-oxooctadecyl) glycine, sodium salt (CAS Reg. No. 5136-55-0)</p>	<p>Not to exceed 10% by weight of pesticide formulation.</p> <p>Not to exceed 10% by weight of pesticide formulation.</p> <p>Not to exceed 10% by weight of pesticide formulation.</p>	<p>Surfactant.</p> <p>Surfactant.</p> <p>Surfactant.</p>

Inert ingredients	Limits	Uses
<i>N</i> -Methyl- <i>N</i> -(1-oxotetradecyl) glycine, sodium salt (CAS Reg. No. 30364-51-3)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * *	*	
<i>N</i> -Myristoyl sarcosine (CAS Reg. No. 52558-73-3)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * *	*	
<i>N</i> -Oleoyl sarcosine (CAS Reg. No. 110-25-8)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * *	*	
<i>N</i> -Stearoyl sarcosine (CAS Reg. No. 142-48-3)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
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* * * * * (e) * * *

Inert ingredients	Limits	Uses
<i>N</i> -Cocoyl sarcosine mixture (CAS Reg. No. 68411-97-2) [composed of <i>N</i> -methyl- <i>N</i> -(1-oxooctyl) glycine, <i>N</i> -methyl- <i>N</i> -(1-oxododecyl) glycine, <i>N</i> -methyl- <i>N</i> -(1-oxotetradecyl) glycine, (<i>N</i> -methyl- <i>N</i> -(1-oxohexadecyl) glycine and <i>N</i> -methyl- <i>N</i> -(1-oxooctadecyl)glycine.	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
<i>N</i> -Cocoyl sarcosine, sodium salt mixture (CAS Reg. No. 61791-59-1)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * *	*	
<i>N</i> -Lauroyl sarcosine (CAS Reg. No. 97-78-9)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * *	*	
<i>N</i> -Methyl- <i>N</i> -(1-oxododecyl) glycine, sodium salt (CAS Reg. No. 137-16-6)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
<i>N</i> -Methyl- <i>N</i> -(1-oxo-9-octadecenyl) glycine, sodium salt CAS Reg. No. 3624-77-9)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
<i>N</i> -Methyl- <i>N</i> -(1-oxooctadecyl) glycine, sodium salt (CAS Reg. No. 5136-55-0)	Not to exceed 10% by weight of pesticide formulation.	
<i>N</i> -Methyl- <i>N</i> -(1-oxotetradecyl) glycine, sodium salt (CAS Reg. No. 30364-51-3)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * *	*	
<i>N</i> -Myristoyl sarcosine (CAS Reg. No. 52558-73-3)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * *	*	
<i>N</i> -Oleoyl sarcosine (CAS Reg. No. 110-25-8)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * *	*	
<i>N</i> -Stearoyl sarcosine (CAS Reg. No. 142-48-3)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
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[FR Doc. 96-18388 Filed 7-23-96; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 3E4254/P658; FRL-5371-2]

Polybutene; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that an exemption from the requirement of a tolerance be established for residues of polybutene, when used as an inert ingredient (sticker and spreading agent) in pesticide formulations applied to growing crops only. This proposed regulation was requested by Miller Chemical and Fertilizer Corporation pursuant to the Federal Food, Drug, and

Cosmetic Act (FFDCA). This proposed time-limited exemption from the requirement of a tolerance will expire 2 years and 9 months after promulgation of the final rule in the Federal Register.

DATES: Comments, identified by the docket control number [PP 3E4254/P658], must be received on or before August 23, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field