

Executive Order 12898 (59 FR 7629, February 16, 1994).

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2) of the APA as amended.

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 18, 1996.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, 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 § 180.356, the table is amended by adding alphabetically the entries for Alfalfa, forage; Alfalfa, hay; Alfalfa, seed; Cattle, liver; Goats, liver; Hogs, liver; Horse liver; and Sheep, liver, and by revising the entries for Cattle, mby; Goats, mby; Hogs, mby; Horse, mby; and Sheep, mby; to read as set forth below:

#### § 180.356 Norflurazon; tolerances for residues.

*	*	*	*	*
Commodity				Parts per million
*	*	*	*	*
Alfalfa, forage .....				3.0
Alfalfa, hay .....				5.0

Commodity				Parts per million
Alfalfa, seed .....				0.1
* * * *				*
Cattle, liver .....				0.25
Cattle, mby (except liver) .....				0.1
* * * *				*
Goats, liver .....				0.25
Goats, mby (except liver) .....				0.1
* * * *				*
Hogs, liver .....				0.25
Hogs, mby (except liver) .....				0.1
* * * *				*
Horses, liver .....				0.25
Horses, mby (except liver) .....				0.1
* * * *				*
Sheep, liver .....				0.25
Sheep, mby (except liver) .....				0.1
* * * *				*

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BILLING CODE 6560-50-F

#### 40 CFR Part 180

[PP 5E04443/R2258; FRL-5386-8]

RIN 2070-AB78

#### 1,1-Difluoroethane; Tolerance Exemption

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

**ACTION:** Final rule.

**SUMMARY:** This document establishes an exemption from the requirement of a tolerance for residues of 1,1-difluoroethane (CAS Reg. No. 75-37-6) when used as an inert ingredient (*aerosol propellant*) in aerosol pesticide formulations used for insect control in food- and feed-handling establishments and animals. The Dupont Company requested this regulation pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA).

**EFFECTIVE DATE:** This regulation becomes effective July 29, 1996.

**ADDRESSES** Written objections, identified by the document control number, [PP 5E04443/R2258] may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental

Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [PP 5E04443/R2258]. 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 below in this document.

**FOR FURTHER INFORMATION CONTACT** By mail: Amelia M. Acierio, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Westfield Building North, 6th Fl., 2800 Crystal Drive, Arlington, VA 22202, (703) 308-8375; e-mail: acierio.amelia@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of June 4, 1996 (61 FR 28118), EPA issued a proposed rule (FRL-5371-5) that gave notice that The Dupont Company, 1007 Market Street, Wilmington, DE 19898 had submitted pesticide petition (PP) 5E04443 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 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 residues of 1,1-difluoroethane (CAS Reg. No. 75-37-6) when used as an inert ingredient (*aerosol propellant*) in pesticide formulations used for insect control in food- and feed-handling establishments and 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 intended to imply nontoxicity; the ingredient may or may not be chemically active.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted relevant to the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance exemption will protect the public health. Therefore, the tolerance exemption is established as set forth below.

Any person adversely affected by this regulation may, within August 28, 1996, file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number (PP insert0 number) (including objections and hearing requests 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 public 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.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at:

opp-docket@epamail.epa.gov.

A copy of electronic objections and hearing requests filed with the Hearing Clerk 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.

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 the Executive Order, EPA has determined that this

rule is not "significant" and is therefore not subject to OMB review.

This action does not impose any enforceable duty, or contain any "unfunded mandates" as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to the requirements of the Regulatory Flexibility Act (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 statement containing the factual basis for this certification was published in the Federal Register of May 4, 1981 (46 FR 24950).

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2) of the APA as amended.

#### 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 18, 1996.

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

Therefore, 40 CFR part 180 is amended as follows:

#### PART 180—[AMENDED]

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

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

2. In § 180.1001 the table to paragraph (c) and paragraph (e) is amended by adding alphabetically the inert ingredient, to read as follows:

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

\* \* \* \* \*

(c) \* \* \*

Inert ingredients	Limits	Uses
1,1-Difluoroethane (CAS Reg. No. 75-37-6) .....	For aerosol pesticide formulations used for insect control in food- and feed-handling establishments and animals.	Aerosol propellant

(e) \* \* \*

Inert ingredients	Limits	Uses
1,1-Difluoroethane (CAS Reg. No. 75-37-6) .....	For aerosol pesticide formulations used for insect control in food- and feed-handling establishments and animals.	Aerosol propellant

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#### 40 CFR Part 271

[FRL-5542-7]

#### Final Authorization of State Hazardous Waste Management Program: Kansas

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

**ACTION:** Immediate final rule.

**SUMMARY:** Kansas has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976, as amended (hereinafter RCRA). The Kansas revisions consist of provisions contained in federal rules promulgated between July 1, 1986 to June 30, 1992. These requirements are listed in Section B of this document. The EPA has reviewed the Kansas application and has made a decision, subject to public review and comment, that the Kansas hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, the EPA intends to approve the Kansas hazardous waste program revisions, subject to authority retained by the EPA under the Hazardous and Solid Waste Amendments of 1984 (hereinafter HSWA). The Kansas application for program revision is available for public review and comment.

**DATES:** Final authorization for Kansas shall be effective September 27, 1996, unless the EPA publishes a prior

Federal Register action withdrawing this immediate final rule. All comments on the Kansas program revision application must be received by the close of business August 28, 1996.

**ADDRESSES:** Written comments should be sent to Ms. Pat Price, Iowa RCRA & State Programs Branch, U.S. Environmental Protection Agency Region 7, 726 Minnesota Avenue, Kansas City, Kansas 66101 (913/551-7592). Copies of the Kansas program revision application are available for inspection and copying during normal business hours at the following addresses: Bureau of Waste Management, Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas 66620-0001 (913/296-1600); U. S. EPA Headquarters Library, PM 211A, 401 M Street, S.W., Washington, D.C. 20460 (202/382-5926); U. S. EPA Region 7 Library, 726 Minnesota Avenue, Kansas City, Kansas 66101 (913/551-7241).

**FOR FURTHER INFORMATION CONTACT:** Ms. Pat Price, U.S. EPA Region 7, 726 Minnesota Avenue, Kansas City, Kansas 66101 (913/551-7592).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

States with final authorization under section 3006(b) of RCRA 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal hazardous waste program. The Hazardous and Solid Waste Amendment of 1984 (Public Law 98-616, November 8, 1984, hereinafter HSWA) allows

states to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

In accordance with 40 CFR 271.21, revisions to state hazardous waste programs are necessary when federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, state program revisions are necessitated by changes to the EPA's regulations in 40 CFR parts 124, 260-266, 268, 270, 273 and 279.

##### B. Kansas

Kansas initially received final authorization for its base RCRA Program effective October 17, 1985 (50 FR 40377). Kansas received authorization for a revision to its program effective on June 25, 1990, for Non-HSWA Clusters I and II (55 FR 17273). Kansas received additional approval for a revision to its program effective on August 15, 1994, for Non-HSWA Clusters III, IV, V, and HSWA Cluster I (59 FR 30528). Kansas submitted a final application for additional program approval on April 16, 1996, for Non-HSWA Cluster VI, HSWA Cluster II, and RCRA Clusters I and II. Kansas is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

The EPA has reviewed the Kansas application and has made an immediate