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 any copies of objections and hearing requests 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 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 this 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 certification statement explaining the factual basis of 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: June 3, 1996.

Stephen L. Johnson,

Director, Registration Division, 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 § 180.377, the table to paragraph (a) is amended by adding alphabetically the entry for artichokes, to read as follows:

§ 180.377 Diflubenzuron; tolerance for residues.

(a) * * *

Commodity	Parts per million
Artichokes	6.0
* * * * *	

[FR Doc. 96–15191 Filed 6–13–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Parts 180 and 186

[PP3F4268, FAP5720/R2247; FRL–5375-6]

Quizalofop-P Ethyl Ester; Pesticide Tolerance and Feed Additive Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document increases the current tolerance for cotton seeds to 0.1 part per million (ppm) for the combined residues of the herbicide quizalofop-p-ethyl ester [ethyl (R)-2[4-((6-chloroquinoxalin-2-yl)oxy)phenoxyl]propanoate], and its acid metabolite quizalofop-p [R-(2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxy]) propanoic acid], and the S enantiomers of both the ester and the acid, all expressed as quizalofop-p-ethyl ester; establishes time limited tolerances with an expiration date for quizalofop-p-ethyl ester in or on the raw agricultural commodities legume vegetables (succulent or dried) group at 0.25 ppm, foliage of legume vegetables (except soybeans) at 3.0 ppm, sugarbeet root at 0.1 ppm, sugarbeet top at 0.5 ppm; and establishes a time limited feed additive tolerance with an expiration date for quizalofop-p-ethyl ester for sugarbeet molasses at 0.2 ppm. Because there has been insufficient time since the imposition of the additional data requirements for specific geographical representation for sugarbeet and bean field trials to generate the necessary residue data and additional time is necessary to further refine a revised analytical method and complete the tolerance method validation (TMV), the Agency is granting the tolerances for legume vegetables (succulent and dried) group, foliage of legume vegetables (except soybeans), sugarbeet top and sugarbeet root with a 3–year expiration date]. E.I. du Pont de Nemours Co., requested these tolerances and feed additive regulations in petitions submitted to the EPA pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA).

EFFECTIVE DATE: These regulations become effective June 14, 1996.

ADDRESSES: Written objection and hearing requests, identified by the document control number, [PP3F4268, FAP5H5720/R2247], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington DC 20460. Fees accompanying objections shall be labeled ''Tolerance Fees'' and forwarded to: EPA Headquarters Accounting Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing request filed with the Hearing Clerk may also 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 a copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. 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 acceptable on disks in Word Perfect 5.1 file format or ASCII file format. All copies of objections and hearing requests electronic form must be identified by the docket number [PP3F4268, FAP5H5720/R2247]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submission can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail, Robert J. Taylor, Product Manager (PM 25), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 703-305-6027; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register August 17, 1995 (60 FR 42884) (FRL-4963-7), which announced that the E.I. du Pont de Nemours Co., Inc., Walkers Mill Bldg, Barley Mill Plaza, Wilmington, DE 19880, had submitted pesticide petition (PP) 3F4268 to EPA proposing that 40 CFR part 180 be amended by establishing a regulation to permit the combined residues of the herbicide quizalofop-p-ethyl ester (ethyl R-2-(4-(6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoic acid) and the S enantiomers of the ester and acid, all expressed as quizolofop-p-ethyl ester, in or on the raw agricultural commodities legume vegetable (succulent or dried) group at 0.3 ppm, foilage of legume vegetables (except soybeans and bean hay) at 0.7 ppm; sugar beet root at 0.1 ppm; sugar beet top at 0.5 ppm and cottonseed at 0.1 ppm. Dupont also submitted feed additive petition (FAP) 5H5720 proposing to amend 40 CFR part 186 by establishing a regulation to permit residues of the herbicide quizalofop-p-ethyl ester [ethyl R-2-(4-((6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoic acid, and the senantiomers of the ester and the acid all expressed as quizalofop-p-ethyl ester, in or on the animal feed sugar beet molasses at 0.2 ppm.

No comments or requests for referral to an advisory committee were received in response to these notices of filing.

Subsequently, the petitioner amended these petitions by submitting revised section Fs. Amended filing notices were published in the Federal Register of September 13, 1995 (60 FR 47577) (FRL-4975-3), proposing these changes.

PP 3F4268. DuPont amended this petition by proposing a regulation to permit the combined residues of the herbicide quizalofop-p-ethyl ester and its acid metabolite, quizalofop-p-[R-(4-((6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoic acid), and the S enantiomers of the ester and the acid all expressed as quizalofop-p-ethyl ester in or on the following raw agricultural commodities (RACs): cotton seed at 0.1 ppm, legume vegetable (succulent or dried) group at 0.3 ppm; foliage of legume vegetable (except soybeans and bean hay) at 0.7 ppm; sugar beet root at 0.1 ppm; and sugar beet top at 0.5 ppm.

FAP 5H5720. DuPont amended this petition by proposing that 40 CFR part 186 be amended by establishing a regulation to permit the combined residues of the herbicide quizalofop-p-ethyl ester and its acid metabolite quizalofop-p-(R-(2-(4-(6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoic acid and the S-enantiomers of the ester and the acid, all expressed as quizalofop-p-ethyl ester, in or on the feed commodity sugar beet molasses at 0.5 ppm.

The Agency received one comment opposing the tolerances stated in the amended filing notices published September 13, 1995. The commenter's opposition to the tolerances was based upon toxicological concerns including the concept of ''NOEL'' (no observed effect level); the use of animal testing to represent human reaction to potentially toxic substances (pesticides); the indications of a link between pesticide exposure and Parkinson's Disease (PD).

The Agency has reviewed the comment and decided to proceed with these tolerances. The Agency, made the decision that a wide variety of toxicological studies would serve as the basis for determining if a pesticide could be requested and used without an reasonable risk. It is true that animal models do not and cannot predict every human reaction to pesticides, but the general consensus is that they offer the best information as to what a pesticide might do to humans. Usually, the Agency requires and reviews long-term studies in rodents and non-rodents to determine a dose which causes no observed adverse effects. The NOEL is divided by an uncertainty factor-often at least 100-to arrive at doses or exposures that should not cause harmful effects on humans. This is a long established procedure and EPA believes is protective of public health.

The Agency understands that the testing of one pesticide does not predict all the possible adverse interactions with other pesticides—or for that matter other drugs or environmental pollutants. The Agency is exploring ways of testing the interactions of pesticides having a similar toxicity endpoint, but progress in that area is slow. The commenter presented no evidence showing quizalofop-p-ethyl ester would interact with other pesticides.

With reference to the indications of a link between pesticide exposure and Parkinson's disease, the Agency is aware that many researchers are investigating the potential reaction of pesticide exposures to chronic neurological diseases including Parkinson's Disease, and additional research is need to study this important area. Available studies in humans or animals have not yet established any relationship between pesticide exposures and Parkinson's Disease.

During the course of the review of these petitions, the Agency determined that the tolerances proposed for cottonseed, legume vegetables (succulent of dried), foliage of legume vegetables (except soybean and bean hay), and the proposed feed additive regulation for sugarbeet molasses need revisions. The petitioner subsequently submitted a revised section F proposing that tolerances be established for the combined residues of the herbicide quizalofop-p-ethyl ester [ethyl] (R)[2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoate], and its acid metabolite quizalofop-p [R-(2-4-((6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoic acid), and the acid, all expressed as quizalofop-p-ethyl ester in or on the following raw agricultural commodities: cottonseed at 0.1 ppm; legume vegetable (succulent or dried) group at 0.25 ppm; foliage of legume vegetables (except soybeans) at 3.0 ppm; sugar beet root at 0.1 ppm; and sugar beet top at 0.5 ppm. A revised section F was submitted for FAP 5H5720 proposing the establishment of a feed additive tolerance for the combined residues of the herbicide quizalofop-p-ethyl ester [ethyl] (R)-(2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoate], and its acid metabolite quizalofop-p [R-(2-(4-(6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoic acid), and the S enantioners of the ester and the acid, all expressed as quizalofop-p-ethyl ester be established on sugarbeet molasses at 0.2 ppm. The 3.0 ppm tolerance for foliage of legume vegetables was previously proposed under PP 5F4545 on February 1, 1996 (61 FR 3696) (FRL-4994-3). The proposed tolerance for sugarbeet molasses was previously proposed.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below considered in support of this tolerance.

1. Several acute toxicology studies placing technical grade quizalofop ethyl in toxicity Category III.

2. An 18-month carcinogenicity study with CD-1 mice fed dosages of 0, 0.3, 1.5, 12, and 48 mg/kg/day with no carcinogenic effects observed under the conditions of the study at levels up to and including 12 mg/kg/day and a marginal increase in the incidence of hepatocellular tumors at 48 mg/kg/day HDT (highest dose tested) which exceeded the maximum tolerated dose (MTD). (Please see the discussion by the HED Carcinogenicity Peer Review Committee.)

3. A 2-year chronic toxicity/carcinogenicity study in rats fed dosages of 0, 0.9, 3.7, and 15.5 mg/kg/day for males and 0, 1.1, 4.6, and 18.6 mg/kg/day for females, with no carcinogenic effects observed under the conditions of the study at levels up to and including 18.6 g/kg/day (HDT) and a systemic NOEL of 0.9 mg/kg/day based on altered red cell parameters and slight/minimal centrilobular enlargement of the liver at 3.7 mg/kg/day.

4. A 1-year feeding study in dogs fed dosages of 0. 0.625, 2.5, and 10 mg/kg/day with NOEL of 10 mg/kg/day (HDT).

5. A developmental toxicity study in rats fed dosage levels of 0, 30, 100, and 300 mg/kg/day (HDT), with a maternal toxicity NOEL of 30 mg/kg/day and a developmental toxicity NOEL of greater than 300 mg/kg/day (HDT).

6. A developmental toxicity study in rabbits fed dosage levels of 0, 7, 20, and 60 mg/kg/day with no developmental effects noted at 60 mg/kg/day (HDT), and a maternal toxicity NOEL of 20 mg/kg/day based on decreases in food consumption and body weight gain at 60 mg/kg/day (HDT).

7. A two-generation reproduction study in rats fed dosages of 1, 1.25, 5, and 20 mg/kg/day with a reproductive (developmental) NOEL of 1.25 mg/kg/day based on an increase in liver weight and increase in the incidence of eosinophilic changes in the liver at 5.0 mg/kg/day and a parental NOEL of 5.0 mg/kg/day based on decreased body weight and premating weight gain in males at 20 mg/kg/day (HDT).

8. Mutagenicity data included gene mutation assays with *E. coli* and *S. typhimurium* (negative); DNA damage assays with *B. subtillis* (negative) and a chromosomal aberration test in Chinese hamster cells (negative).

The Carcinogenicity Peer Review Committee (CPRC) of HED has evaluated the rat and mouse cancer studies on quizalofop along with other relevant short-term toxicity studies, mutagenicity studies, and structure activity relationships. The CPRC concluded, after three meetings and an evaluation by the OPP Science Advisory Panel, that the classification should be a Category D (not classifiable as to human cancer potential). No new cancer studies were required.

The first CPRC review tentatively concluded that quizalofop should be classified as a Category B2 (probable human carcinogen). That classification was based on liver tumors in female rats, ovarian tumors in female mice, and liver tumors in male mice. This classification was downgraded to a Category C (possible human carcinogen) at a second CPRC review. The change in classification was due to a reexamination of the liver tumors in female rats and ovarian tumors in female mice. The first peer review had found a statistically significant positive trend for liver carcinomas in female rats. Subsequent to this conclusion the tumor data was reevaluated, and the reevaluation showed a reduced number of carcinomas. Although there remained a statistically significant positive trend for carcinomas in the study, the CPRC concluded that the carcinomas were not biologically significant given the few carcinomas identified (one at the mid-dose and two at the high dose). Noting that this level of carcinomas was within historical levels, the CPRC concluded that administration of quizalofop did not appear to be associated with the liver carcinomas.

As to the ovarian tumors in female mice, the CPRC had first attached importance to the fact that these tumors were statistically significant at the high dose as compared to historical control values although statistically significant when compared to concurrent controls. However, review of further historical control data showed that the level of ovarian tumors in the quizalofop study was similar to the background rate in several other studies. Given this information and that the quizalofop study showed no hyperplasia of the ovary, no signs of endocrine activity related to ovarian function, and no dose response relationship, the CPRC concluded that the ovarian tumors were probably not compound-related.

The findings of the second CPRC review were presented to EPA's Scientific Advisory Panel (SAP). The SAP concurred with the CPRC conclusion that the liver tumors in female rats and the ovary tumors in female mice showed no evidence of carcinogenicity. However, the SAP disagreed with CPRC's classification of quizalofop as a Category C based on the liver tumors in male mice. The SAP concluded that the mouse liver tumors did support such a classification because the tumors occurred at a dose above the maximum-tolerated dose (MTD) and because they were not statistically significant if a ''p'' value of less than .01 was used instead of a ''p'' value of less than .05. The SAP believed that such greater statistical rigor was appropriate for variable tumor endpoints such as male mouse liver tumors.

Following the SAP review, the CPRC changed the classification for quizalofop to Category D. The Category D classification is based on an approximate doubling in the incidence of male mice liver tumors between controls and the high dose. This finding was not considered strong enough to warrant the finding of a Category C (possible human carcinogen) since the increase was of marginal statistical significance, occurred at a high dose which exceeded the predicted MTD, and occurred in a study in which the concurrent control for liver tumors was somewhat low as compared to the historical controls, while the high dose control group was at the upper end of previous historical control-groups.

EPA has found the evidence on the carcinogenicity of quizalofop-p-ethyl ester in animals to be equivocal and therefore concludes that quizalofop-p-ethyl ester does not induce cancer in animals within the meaning of the Delaney clause. Important to this conclusion was the following evidence: (1) The only statistically significant tumor response that appears compound-related was seen at a single dose in a single sex in a single species; (2) the response was only marginally statistically significant; (3) the response was only significant when benign and malignant tumors were combined; (4) the tumors were in the male mouse liver; (5) the tumors were within historical controls; and (6) the mutagenicity studies were negative. Although in some circumstances a finding of animal carcinogenicity could be made despite any one, or even several, of the six factors noted, the combination of all of these factors here cast sufficient doubt on the reproducibility of the response in the high dose male mouse that EPA concludes the evidence on carcinogenicity is equivocal.

Based on the NOEL of 0.9 mg/kg/bwt/day in the 2-year rat feeding study, and using a hundred-fold uncertainty factor, the reference dose (RFD) for quiazalofop ethyl is calculated to be 0.009 mg/kg/

bwt/day. The theoretical maximum residue contribution (TMRC) is 0.000218 mg/kg/bwt/day for existing tolerances for the overall U.S. population. The current action will increase the TMRC by less than 0.000260 mg/kg/bwt/day. These tolerances and previously established tolerances utilize a total of 5.3 percent of the RFD for the overall U.S. populations, with all exposure coming from published uses. For U.S. subgroup populations, non-nursing infants and children aged 1 to 6 years, the current action and previously established tolerances utilize, respectively a total of 18.8 percent and 11.9 percent of the RfD, assuming that residue levels are at the established tolerances and that 100 percent of the crop is tested.

Data desirable but lacking for this chemical include additional sugarbeet and bean residue field trials and completion of a tolerance method validation (TMV) for a revised analytical method. The additional residue data are needed in response to a recent change in EPA guidelines. The Agency is granting the tolerances for legume vegetables (succulent or dried) group, foliage of legume vegetables (except soybeans), sugarbeet root and sugarbeet top with a 3-year expiration date to allow the petitioner, E.I. duPont de Nemours and Company to gather additional residue data and to further refine the analytical method and allow the Agency to complete the TMV.

The nature of the residue in plants and livestock is adequately understood. An adequate amount of geographically represenative crop field reidue data were presented which show that the proposed tolerances should not be exceeded when quizalofop-p ethyl ester is formulated into ASSURE II and used as directed. An adequate analytical method (high-pressure liquid chromatography using either ultraviolet or fluorescence detection) is available for enforcement purposes in Vol. II of the Food and Drug Administration Pesticide Analytical Method (PAM II, Method I). There are currently no actions pending against the registration of this chemical. Any secondary residues expected to occur in milk, eggs, and meat, fat, and meat byproducts of cattle, goats, hogs, horses, sheep, and poultry will be covered by existing tolerances.

The pesticide is considered useful for the purpose for which the regulation is sought and is capable of achieving the intended physical or technical effect.

Based on the information cited above, the Agency has determined that the establishment of tolerances by amending 40 CFR part 180 will protect the public health, and the establishment of feed additive regulations by amending 40 CFR part 186 will be safe. Therefore, EPA is establishing the tolerances and feed additive regulation as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections 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 the hearing is requested, the requestor‘s contentions on each such issue, 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 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 [PP3F4268, FAP5H5720/R2247] (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 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.

Written objections and hearing requests, identified by the document control number [PP3F4268, FAP5H5720/R2247] may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460. 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 any objections and hearing requests 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 objections and hearing requests submitted directly in writing. The official rulemaking record is the paper record maintained at the 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 review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under Section 3(f), the order defines a ‘‘significant regulatory action’’ as an action that is likely to result in 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, completion, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to 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 the rights and obligation of recipients thereof; 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 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 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.

List of Subjects in 40 CFR Part 186

Environmental protection, Animals feeds, Pesticides and pests.

Dated: May 29, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is 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. In 180.441, by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 180.441 Quizalofop ethyl; tolerances for residues.

* * * * *

(c) Tolerances are established for the combined residues of the herbicide quizalofop-p ethyl ester [ethyl (R)-(2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoate], and its acid metabolite quizalofop-p [R-(2-(4-((6-quinoxalin-2-yl)oxy)phenoxy)propanoic acid], and the S enantiomers of both the ester and the acid, all expressed as quizalofop-p-ethyl ester, in or on the following raw agricultural commodities;

Commodity	Parts per million
cottonseed	0.1
lentils	0.05

(d) Time limited tolerances to expire on June 14, 1999 are established for the combined residues of the herbicide quizalofop-p ethyl ester (ethyl (R)-(2-(4-((6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoate) and it acid metabolite quizalofop-p [R-(2-(4-((6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoic acid), and the S enantiomers of both the ester and the acid, all expressed as quizalofop-p-ethyl ester in or on the following raw agricultural commodities:

Commodities	Parts per million
foliage of legume vegetables (except soybeans).	3.0
legume vegetables (succulent or dried) group.	0.25
sugarbeet, root	0.1
sugarbeet, top	0.5

PART 186—[AMENDED]

2. In part 186:

a. The authority for part 186 continues to read as follows:

Authority: 21 U.S.C. 342, 348, and 701.

b. In 186.5250, by redesignating the existing paragraph and table as paragraph (a) and adding paragraph (b) to read as follows:

§ 186.5250 Quizalofop ethyl.

* * * * *

(b) A feed additive regulation to expire (insert date 3 years from date of publication in the Federal Register) is established to permit the combined residues of the herbicide quizalofop-p-ethyl ester [ethyl] (R)-2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoate], and its acid metabolite quizalofop-p [R-(2-(4-((6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoic acid), and the S enantiomers of the ester and the acid, all expressed as quizalofop-p-ethyl ester in or on sugar beet molasses at 0.2 part per million (ppm)

[FR Doc. 96–15040 Filed 6–13–96; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 106

[Docket No. RSP–1, Amdt. No. 106–11]

RIN 2137–ACXX

Direct Final Rule Procedure; Petitions for Rulemaking

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: To further the goals of Executive Order 12866 on Regulatory Planning and Review, and in response to the recommendations of the National Performance Review (NPR) and the former Administrative Conference of the United States, RSPA is implementing a new and more efficient procedure for adopting noncontroversial rules. This ''direct final rule'' procedure involves issuing a final rule providing notice and an opportunity to comment and stating that the rule will become effective on a specified date without further publication of the text of the rule if RSPA does not receive an adverse comment or notice of intent to file an adverse comment. If no adverse comment or notice of intent to file an adverse comment were received, RSPA would issue a subsequent notice in the Federal Register to confirm that fact and reiterate the effective date. If an adverse comment or notice of intent to file an adverse comment were received, RSPA would issue a subsequent notice in the Federal Register to confirm that fact and withdraw the direct final rule before it goes into effect.

RSPA is also amending its rulemaking procedures to specify in more detail the required contents of a petition for rulemaking and provide that petitions for rulemaking and petitions for reconsideration will be reviewed and acted upon by the appropriate Associate Administrator or the Chief Counsel and that decisions of the Associate Administrator may be appealed to the Administrator.

EFFECTIVE DATE: July 15, 1996.

FOR FURTHER INFORMATION CONTACT: Nancy E. Machado, Office of the Chief Counsel, RSPA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001; Telephone (202) 366–4400.

SUPPLEMENTARY INFORMATION:

I. Background

In Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735; October 4, 1993), the President set forth the Administration's regulatory philosophy and principles. The Executive Order contemplates an efficient and effective rulemaking process, including the conservation of limited government resources for carrying out its regulatory functions. Furthermore, ''Improving Regulatory Systems,'' an Accompanying Report of the National Performance Review, recognized the need to streamline the regulatory process and recommended the use of ''direct final'' rulemaking