§ 180.1001 Exemptions from the requirement of a tolerance.

(c) * * *

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Inert Ingredient	Limits	Uses
* * * * * * *		
Vinyl pyrrolidone-acrylic acid copolymer (CAS Reg. No. 28062–44–4), minimum number average molecular weight (in amu) 6,000.		Adhesive, dispersion stabilizer and coating for sustained release granules.
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* * * * * (e) * * *

Inert Ingredient	Limits	Uses
* * * * * * *		
Vinyl pyrrolidone-acrylic acid copolymer (CAS Reg. No. 28062–44–4), minimum number average molecular weight (in amu) 6,000.		Adhesive, dispersion stabilizer and coating for sustained release granules.
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[FR Doc. 96–15197 Filed 6–13–96; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Parts 180 and 186

[PP5F4545, FAP6H5737/P663; FRL–5375–5]

Quizalofop-P Ethyl Ester; Pesticide Tolerance and Maximum Residue Level

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish a tolerance for the residues of the herbicide quizalofop (2-[4-(6-chloroquinoxalin-2-yl)oxy)phenoxy])-propanoic acid], and quizalofop ethyl [ethyl-(2-[4-(6-chloroquinoxalin-2-yl) oxy)phenoxy)propanoate), all expressed as quizalofop ethyl in or on the raw agricultural commodity canola seed at 1.0 part per million (ppm) and to establish a maximum residue limit for quizalofop ethyl on canola meal at 1.5 ppm. E.I. DuPont de Nemours Company submitted petitions pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA) requesting these regulations to establish certain maximum permissible residue levels for residues of the herbicide.

DATES: Comments, identified by the docket control number [PP PP5F4545, FAP6H5737/P663], must be received on or before July 15, 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, bring comments to Rm. 1132, CM #2, 1921 Jefferson-Davis Hwy., Arlington, VA 22202. Comments and data may also be submitted to OPP 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 Word Perfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 5F4545, FAP 6H5737/P663]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the ''SUPPLEMENTARY INFORMATION'' section of this document.

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 may be disclosed publicly by EPA without prior notice. All written comments will be available for public notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

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 22202, (703)-305-6027; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued notices published in the Federal Register of February 1, 1996 (61 FR 3696) (FRL-4994-3), which announced that E.I. Du Pont de Nemours Company, Agricultural Products, Walkers Mill, Barley Mill Plaza, P.O. Box 80038, Wilmington, DE 19880-0038, had submitted pesticide petition (PP) 5F4545 to EPA proposing to amend 40 CFR 180.441 by establishing tolerances for residues of the herbicide quizalof [2-4-(6-chloroquinoxalin-2-yl)oxylphenoxy)propanic acid] and quizalofop ethyl(ethyl-2-[4,(6-chloroxyunoxalin-2-yl)oxy)phenoxy]propanonate), all expressed as quizalofop ethyl in or on foliage of legume vegetables (except soybean) at 3.0 ppm and on canola seed at 2.0 ppm. DuPont also submitted a

feed/food additive petition (FAP) 6F5737 proposing to amend 40 CFR 185.5250 by establishing tolerances for the combined residues of the herbicide quizalof [2-[4-(6-chloroquinoxalin-2-yl)oxylphenyl)propanic acide] and quizalofopethyl(ethyl-2-[4,(6chloroxyunoxalin-2-yl)oxy)phenoxy]propanonate), all expressed as quizalofop ethyl in or on the food commodities canola, meal at 3.0 ppm and canola, oil at 0.1 ppm and to amend 40 CFR 186.5250 by establishing tolerances for the combined residues of the herbicide quizalof [2-[4-(6-chloroquinoxalin-2-yl)oxylphenyl)propanic acide] and quizalofop ethyl(ethyl-2-[4,(6-choroxyunoxalin-2-yl)oxy)phenoxy]propanonate), all expressed as quizalofop ethyl in or on the feed commodity canola, meal at 3.0 ppm.

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

During the course of the review of the PP 5F4545, the Agency determined that the filing notice had several errors in the chemical name, that the proposed listing for foliage of legume vegetables (except soybeans) was not necessary since it duplicated a listing under PP 3F4268 (final rule published elsewhere in today's Federal Register) and should be deleted from PP 5F4545. The Agency also determined that the proposed tolerance for canola, seed at 2.0 was higher than necessary. The petitioner subsequently submitted a revised section F deleting the listing for foliage of legume vegetables, and proposing the establishment of a tolerance for the combined residues of the herbicide quizalofop ethyl 2-[4-(6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoic acid), and quizalofop ethyl (ethyl-2-[4-(6-chloroquinoxalin-2-yl)oxy)phenoxy] propanoate, all expressed as quizalofop ethyl in on the raw agricultural commodity canola, seed at 1.0 ppm.

During the course of the review of FAP 6H5767, the Agency noted that there were several errors in the filing notice, including the designation of the petition number, the filing notice should have read 6H5737 instead of 6F5737. The Agency also determined that food additive tolerances were not necessary for canola, oil or canola, meal and that a section 701 maximum residue level (MRL) instead of a section 409 feed additive tolerance was needed for canola meal. The petitioner subsequently submitted a revised section F proposing the establishment of a maximum residue limit (MRL) for the combined residues of the herbicide quizalofop ethyl 2-[4-(6-chloroquinoxalin-2-yl)oxy)phenoxy) propanoic acid), and quizalofop ethyl (ethyl-2-[6-chloroquinoxalin-2-yl)oxy)phenoxy]propanoate, all expressed as quizalofop ethyl in or on canola meal at 1.5 ppm.

In the Federal Register of June 14, 1995 (60 FR 31300) (FRL-4944-2), EPA issued a revised policy concerning when section 409 food and feed additive tolerances were needed to prevent the adulteration of foods and animal feeds. Under EPA's revised policy, a section 409 tolerance is necessary for pesticide residues in processed food when it is likely that the level of some residues of the pesticide will exceed the section 408 tolerance level in ''ready to eat'' processed food. Of particular relevance to the quizalofop ethyl feed additive tolerance is EPA's decision to interpret the term ''ready to eat'' processed food as food ready for consumption ''as is'' without further preparation. For foods that are found to be not ''ready to eat,'' EPA takes into account the dilution of residues that occurs in preparing a ''ready to eat'' food.

EPA has determined that canola meal is not a ''ready to eat'' animal feed. EPA has found no evidence that canola meal is feed to livestock as a stand-alone feedstock. Rather, canola meal is used as an ingredient in animal feeds. The section 408 tolerance for quizalofop ethyl on canola seed is 1.0 ppm. The highest average field trial (HAFT) residue found in canola was 0.65 ppm. A processing study showed that the concentration factor for canola meal was 2.3X. Thus, given this information, it is likely that quizalofop ethyl residues of 1.5 ppm (0.65 x 2.3) could occur in canola meal. However, to project what residues are likely in ''ready to eat'' animal feed containing canola meal the 1.5 ppm level must be divided by 4 to allow for dilution occurring when canola meal is added to other feedstuffs. Once this dilution is taken into account, the maximum residue level of quizalofop ethyl in animal feed would be 0.375 (1.5 ppm/4=0.375 ppm). Since this is below the section 408 tolerance level, animal feed containing such residue levels would not be adulterated, and no section 409 feed additive tolerance is needed.

To aid in the efficient enforcement of the Act, EPA is proposing to establish a maximum residue limit (MRL) for quizalofop ethyl residues in canola meal. The MRL will reflect the maximum residue of quizalofop ethyl in processed foods consistent with a legal level of such residues being present in canola and the use of good manufacturing practices. See 21 U.S.C. 542(a)(2)(c) and rules published December 6, 1995 (60 FR 62366) (FRL-4971-7), and February 29, 1996 (61 FR 7734) (FRL-4996-2), regarding imidacloprid. Processed food not in compliance with an applicable MRL will be deemed adulterated under section 402. Taking into account the degree to which quizalofop ethyl may concentrate during processing using good manufacturing processes (2.3) and the level of residues expected in canola (0.65 ppm), EPA proposes a MRL of 1.5 ppm for canola meal. For purposes of enforcement of the MRL, the same analytical method used for enforcement of the section 408 regulations, should be used.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data submitted in support of these petitions is discussed under a final rule regarding PP 3F4268 and FAP 5H5720, published elsewhere in today's issue of the Federal Register.

Based on the NOEL of 0.9 mg/kg/bwt/day in the 2-year rat feeding study, and using a hundredfold uncertainty factor, the reference dose (RfD) for quazalofop ethyl is calculated to be 0.009 mg/kg/bwt/day. The theoretical maximum residue contribution (TMRC) is 0.000478 mg/kg/bwt/day for existing tolerances for the overall U.S. population. The current action will increase the TMRC by less than 0.000077 mg/kg/bwt/day. These tolerances and previously established tolerances utilize a total of 6.8 % 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 18.842 percent and 11.98 percent of the RfD, with all exposure coming from previously established tolerances, assuming that residue levels are at the established tolerances and that 100 percent of the crop is tested.

There are no desirable data lacking for this petition.

The nature of the residue in plant and livestock is adequately understood. An adequate amount of geographically representative crop field trial residue data were presented which show that the proposed tolerances should not be exceeded when quizalofop ethyl is formulated into ASSURE and used as directed. An adequate analytical methodology (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 eggs, milk, meat, fat, and meat byproducts of cattle, goats, hogs, horses, sheep, and poultry from this use will be covered by existing tolerances.

Based on the information cited above, the Agency has determined that when used in accordance with good agricultural practice, this ingredient is useful and that the tolerance established by amending 40 CFR part 180 will protect the public health, and the establishment of the maximum residue level by amending 40 CFR part 186 is consistent with residue levels permissible in processed foods under 21 U.S.C. 342(a)(2)(C). It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration 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 rulemaking proposal be referred to an Advisory Committee in accordance with section 408 (e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 5F4545, FAP 6H5720/P663]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under docket number [PP 5F4545, FAP 6H5737/P663](including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as 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 final 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.

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 a 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 26, 1994).

Pursuant to the terms of this Executive Order, EPA has determined that this proposed rule is not ''significant'' and therefore not subject to OMB review.

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 food additive regulations or raising tolerance levels or food additive regulations or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement containing the factual basis for this conclusion was published in the Federal Register of May 4, 1981 (46 FR 24950). Because MRLs function similarly to tolerances and food additive regulations, the establishment of a MRL also does not have a significant effect on a small number of small entities.

List of Subjects in 40 CFR Part 180

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

List of Subjects in 40 CFR Part 186

Environmental protection, Animal feeds, Pesticides and pests.

Dated: May 26, 1996.

James Tompkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PART 180 [AMENDED]

1. In part 180:

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

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

b. In 180.441, by revising paragraph (a) to read as follows:

§ 180.441 Quizalofop ethyl; tolerances for residues.

(a) Tolerances are established for the combined residues of the herbicide quizalofop 2-[4-(6-chloroquinoxalin-2-yl)oxy)phenoxy)propanic acid], and quizalofop ethyl (ethyl 2-(4-((6-chloroquinoxalin-2-yl)oxy)phenoxy)propanoate, all expressed as quizalofop ethyl, in or on the raw agricultural commodities:

Commodities	Part per million
soybeans	0.05
canola, seed	1.0

* * * * *

PART 186—[AMENDED]

2. In part 186:

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

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

b. In 186.5250, by adding paragraph (c) to read as follows:

§ 186.5250 Quizalofop ethyl.

* * * * *

(c) A maximum residue level regulation is established permitting residues of quizalofop (2-(4-(6-chloroquinoxalin-2-yl)oxy)phenoxy) propanoic acid) and quizalofop ethyl (ethyl 2-[4-(6-chloroquinoxalin-2-yl)oxy)phenoxy)-12-propanoate, in or on the following feed resulting from application of the herbicide to canola.

Feed	Parts per million
canola, meal	1.5

This regulation reflects the maximum level of residues in canola meal consistent with the use of quizalofop ethyl on canola in conformity with 180.441 of this chapter and with the use of good manufacturing practices.

[FR Doc. 96–15200 Filed 6–13–96; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–5519–3]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the Leetown Pesticides Site in Leetown, Jefferson County, West Virginia, from the National Priorities List; Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA) Region III announces its intent to delete the Leetown Pesticides Site (Site) from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B to 40 CFR part 300. Part 300 comprises 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. EPA and the West Virginia Division of Environmental Protection have determined that all appropriate CERCLA actions have been implemented and that the Site poses no significant threat to public health or the environment. Therefore, further remedial measures pursuant to CERCLA are not needed.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before July 15, 1996.

ADDRESSES: Comments may be submitted to EPA's Remedial Project Manager for the Leetown Pesticides Site: Melissa Whittington (3HW23), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (whittington.melissa@epamail.epa.gov)

Comprehensive information on this Site is available for viewing at the Site information repositories at the following locations:

U.S. EPA Region III, 9th Floor Library, 841 Chestnut Building, Philadelphia, Pennsylvania 19107

Old Charles Town Public Library, 200 East Washington Street, Charles Town, West Virginia 25414

FOR FURTHER INFORMATION CONTACT: Melissa Whittington, Remedial Project Manager, at the address above or by telephone at (215) 566–3235.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Environmental Protection Agency (EPA) Region III announces its intent to delete the Leetown Pesticides Site, which is located in Leetown, West Virginia, from the National Priorities List (NPL), Appendix B to 40 CFR part 300, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on this decision. EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As discussed in the NCP at 40 CFR 300.425(e)(3), a site deleted from the NPL remains eligible for remedial action in the unlikely event that conditions at the site warrant such action in the future.

EPA will accept comments on the proposal to delete this Site from the NPL for thirty calendar 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 Leetown Pesticides Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP at 40 CFR 300.425(e) provides that sites may be deleted from or recategorized on the NPL where no further response is appropriate. Specifically, this section of the NCP provides that, in making a determination to delete a site 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 persons have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed 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.

The NCP at 40 CFR 300.425(e) further provides that sites may not be deleted from the NPL until the State in which the site is located has concurred on the proposed deletion. All sites deleted from the NPL are eligible for further Fund-financed remedial actions should future conditions warrant such action. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

III. Deletion Procedures

The procedures required to ensure public involvement during a proposal to delete a site from the NPL are enumerated at 40 CFR 300.425(e)(4). Pursuant to that section, EPA has published this Notice of Intent to Delete, together with concurrent notices in the local newspapers in the vicinity of the Site, to announce the initiation of a 30-day public comment period. The public is asked to comment on EPA's intention to delete the Site from the NPL. All documents supporting EPA's intention to delete the Site from the NPL are available for inspection by the public at the information repositories located at the addresses listed above.

EPA will accept and evaluate public comments on this Notice of Intent to Delete before making a final decision on the deletion. If EPA receives any significant comments during the public comment period, the Agency will prepare a Responsiveness Summary to address those comments.

A deletion occurs when the Regional Administrator places a final deletion notice in the Federal Register. Once this