

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.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 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 to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: March 28, 1995.

James J. Jones,  
Acting 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 § 180.475, by adding new paragraph (c), to read as follows:

**§ 180.475 Difenoconazole; tolerances for residues.**

\* \* \* \*

(c) Tolerances are established for difenoconazole, [(2S,4R)/(2R,4S)]/[(2R,4R/2S,4S)] 1-(2-[4-(4-chlorophenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl-methyl)-1H-1,2,4-triazole, in or on the following raw agricultural commodities:

Commodity	Parts per million
Barley, grain <sup>1</sup> .....	0.1
Cattle, fat .....	0.05
Cattle, meat .....	0.05
Cattle, mbyp .....	0.05
Eggs .....	0.05
Goats, fat .....	0.05
Goats, meat .....	0.05
Goats, mbyp .....	0.05
Hogs, fat .....	0.05
Hogs, mbyp .....	0.05

Commodity	Parts per million
Horses, fat .....	0.05
Horses, meat .....	0.05
Horses, mbyp .....	0.05
Milk .....	0.01
Poultry, fat .....	0.05
Poultry, meat .....	0.05
Poultry, mbyp .....	0.05
Rye, grain <sup>1</sup> .....	0.1
Sheep, fat .....	0.05
Sheep, meat .....	0.05
Sheep, mbyp .....	0.05
Wheat, grain .....	0.1

<sup>1</sup> There are no U.S. registrations as of April 12, 1995 for use on barley and rye.

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**40 CFR Part 180**

[OPP-300384; FRL-4945-7]

RIN 2070-AC18

**Oleyl Alcohol; Tolerance Exemption**

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

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes that oleyl alcohol (CAS Reg. No. 143-28-2) be exempted from the requirement of a tolerance when used as a cosolvent in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. Henckel Corp., Emery Group, requested this proposed regulation.

**DATES:** Comments, identified by the document control number [OPP-300384], must be received on or before May 12, 1995.

**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, Crystal Mall, Building #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part of 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 the 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 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Amelia M. Acierro, 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: 2800 Crystal Drive, North Tower, Arlington, VA 22202, (703)-308-8375; e-mail: Acierro.Amelia@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Henckel Corp., Emery Group, 4900 Este Ave., Cincinnati, OH 45232-1491, submitted pesticide petition (PP) 4E4335 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) by establishing an exemption from the requirement of a tolerance for oleyl alcohol when used as a cosolvent in pesticide formulations applied to growing crops and raw agricultural commodities after harvest.

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 non-toxicity; 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 established data requirements which will be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. Exemptions from some or all of the requirements may be granted if it can be determined that the inert ingredient will present minimal or no risk. The Agency has decided that the data normally required to support the proposed tolerance exemption for oleyl alcohol will not need to be submitted. The rationale for this decision is described below:

1. Available data demonstrate that oleyl alcohol is no more than slightly toxic to mammals, fish, and aquatic invertebrates.

2. Oleyl alcohol is found in fish oils and one of its uses is as a carrier for medicaments. Anticipated residues of oleyl alcohol at the proposed level of use are expected to be of little or no toxicological significance.

3. Oleyl alcohol is approved by the Food and Drug Administration for use as a component of paper and paperboard under 21 CFR 176.170, as defoaming agent under 21 CFR 176.210, and as a component of animal glue under 21 CFR 178.3120.

Based upon the above information and review of its use, the Agency does not believe that a potential for significant hazard exists when used in accordance with good agricultural practice. The Agency believes and that this ingredient is useful and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide

Act (FIFRA) as amended, 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, [OPP-300384]. 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 p.m. Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354 Stat. 1164, 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 to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: March 29, 1995.

James J. Jones,  
Acting 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. Section 180.1001(c) is amended in the table therein by adding and alphabetically inserting the inert ingredient, to read as follows:

**§ 180.1001 Exemptions from the requirements of a tolerance.**

\* \* \* \* \*  
(c) \* \* \*

Inert ingredients	Limits	Uses
* * * * *	* * * * *	* * * * *
Oleyl alcohol (CAS Reg. No 143-28-2) .....	15% .....	Cosolvent
* * * * *	* * * * *	* * * * *

\* \* \* \* \*  
[FR Doc. 95-8730 Filed 4-11-95; 8:45 am]  
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**40 CFR Part 180**  
**[PP 8F3671/P610; FRL-4945-3]**  
**RIN 2070-AC18**

**Alachlor; Pesticide Tolerance**  
**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to establish an increased tolerance for residues of the herbicide alachlor (2-chloro-2',6'-dimethyl-N-(methoxymethyl) acetanilide) and its metabolites in or on the raw agricultural commodity (RAC) sorghum forage at 2.0 parts per million (ppm). The Monsanto

Co. requested the establishment of this maximum permissible residue of the herbicide.

**DATES:** Comments, identified by the document control number [PP 8F3671/P610], must be received on or before May 12, 1995.

**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. 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 inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 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 and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6800; e-mail: [taylor.robert@epamail.epa.gov](mailto:taylor.robert@epamail.epa.gov).