or equipment that constitute the system. The level of protection may vary depending on the type of devices and/or equipment being protected with the basic intent of utilizing the security controls already in effect within the facility.

a. Location where authorization data, card encoded data, and personal identification or verification data is input, stored, or recorded must be protected.

b. Card readers, keypads, communication, or interface devices located outside the entrance to a controlled area shall have tamper resistant enclosures, and be securely fastened to a wall or other structure. Control panels located within a controlled area shall require only a minimal degree of physical security protection sufficient to preclude unauthorized access to the mechanism.

c. Keypad devices shall be designed or installed in such a manner that an unauthorized person in the immediate vicinity cannot observe the selection of input numbers.

d. Systems that utilize transmission lines to carry access authorizations, personal identification, or verification data between devices/equipment located outside the controlled area shall have line supervision.

e. Electric strikes used in access control systems shall be heavy duty industrial grade.

5. Access to records and information concerning encoded ID data and PINs shall be restricted. Access to identification or authorization data, operating system software or any identifying data associated with the access control system shall be limited to the fewest number personnel as possible. Such data or software shall be kept secure when unattended.

6. Records shall be maintained reflecting active assignment of ID badge and/or card, PIN, level of access, access, and similar system-related records. Records concerning personnel removed form the system shall be retained for 90 days. Records of entries shall be retained for at least 90 days or until investigations of system violations and incidents have been successfully resolved and recorded.

7. Personnel entering or leaving an area shall be require to immediately secure the entrance or exit point. Authorized personnel who permit another individual to enter the area are responsible for confirming the individual's access and need-to-know. The Heads of the DOD components may approve the use of standardized AECS, which meet the following criteria:

a. For a Level 1 key card system, the AECS must provide a 0.95 probability of granting access to an authorized user providing the proper identifying information within three attempts. Additionally, the system must ensure an unauthorized user is granted access with less than 0.05 probability after three attempts to gain entry have been made.

b. For a Level 2 key card and PIN system, the AECS must provide a 0.97 probability of granting access to an authorized user providing the proper identifying information within three attempts. Additionally, the system must ensure an unauthorized user is granted access with less than 0.010 probability after three attempts to gain entry have bee made.

c. For a Level 3 key card and PIN and biometrics identifier system, the AECS must provide a 0.99 probability of granting access to an authorized user providing the proper identifying information within three attempts. Additionally, the system must ensure an unauthorized user is granted access with less than 0.005 probability after three attempts to gain entry have been made.

1. *Electric, Mechanical, or Electromechanical Access Control Devices.* Electric, mechanical, or electromechanical devices which meet the criteria stated in subparagraphs 7.c.2. and 3, below, may be used to control admittance to secure areas during duty hours if the entrance is under visual control. These devices are also acceptable to control access to compartmented areas within a secure area. Access control devices must be installed in the following manner:

2. The electronic control panel containing the mechanical mechanism by which the combination is set is to be located inside the area. The control (located within the area) shall require only minimal degree of physical security designated to preclude unauthorized access to the mechanism.

3. The control panel shall be installed in such a manner, or have a shielding device mounted, so that an unauthorized person in the immediate vicinity cannot observe the setting or changing of the combination.

4. The selection and setting of the combination shall be accomplished by an individual cleared at the same level as the highest classified information controlled within.

5. Electrical components, wiring included, or mechanical links (cables, rods, etc.) should be accessible only from inside the area, or if they traverse an uncontrolled area they should be secured within protecting covering to preclude surreptitious manipulation of components.

Dated: June 22, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–15707 Filed 6–27–95; 8:45 am]

BILLING CODE 5000–04–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300389; FRL–4960–5]

Sodium Propionate, Methoprene, and Heliothis zea Npv; Proposed Tolerance Actions

AGENCY: Environmental Protection Agency (EPA or ''the Agency'')

ACTION: Proposed rule.

SUMMARY: For each of the pesticides subject to the actions listed in this proposed rule, EPA has completed the reregistration process and issued a Reregistration Eligibility Document (RED). In the reregistration process, all information to support a pesticide's continued registration is reviewed for adequacy and, when needed, supplemented with new scientific studies. Based on the RED tolerance assessments for the pesticide chemicals subject to this proposed rule, EPA is proposing the following tolerance actions: to amend the exemptions from the requirement of a tolerance for methoprene; to revoke exemptions for sodium propionate; and make wording changes to the exemption from the requirement of a tolerance for *Heliothis zea* NPV. With this proposal to amend the exemptions from the requirement of tolerances for methoprene, the Agency is correcting its position in the RED, which stated that the exemptions should be revoked. The Agency believes that exemptions from the requirement of tolerances for these uses are appropriate.

DATES: Written comments, identified by the OPP document control number [OPP–300389], must be received on or before July 28, 1995.

ADDRESSES: By mail, submit comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. In person, deliver comments to Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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 ''OPP–300389.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit III 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 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 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: Philip Poli, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Station #1, 3rd floor, 2800 Crystal Drive, Arlington, VA, (703) 308–8038, poli.philip@epamail.epa.gov.

I. Legal Authorization

The Federal Food, Drug, and Cosmetic Act (FFDCA) [21 U.S.C. 301 et seq.] authorizes the establishment of tolerances (maximum legal residue levels) and exemptions from the requirement of a tolerance for residues of pesticide chemicals in or on raw agricultural commodities pursuant to section 408 [21 U.S.C. 346(a)]. Without such tolerances or exemptions, a food containing pesticide residues is considered to be ''adulterated'' under section 402 of the FFDCA, and hence may not legally be moved in interstate commerce [21 U.S.C. 342]. To establish a tolerance or an exemption under section 408 of the FFDCA, EPA must make a finding that the promulgation of the rule would ''protect the public health'' [21 U.S.C. 346a(b)]. For a pesticide to be sold and distributed the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA, 7 U.S.C. 136 et seq.].

In 1988, Congress amended FIFRA and required EPA to review and reassess the potential hazards arising from currently registered uses of pesticides registered prior to November 1, 1984. As part of this process, the Agency must determine whether a pesticide is eligible for reregistration and if any subsequent actions are required to fully attain reregistration status. EPA has chosen to include in the reregistration process a reassessment of existing tolerances or exemptions from the need for a tolerance. Through this reassessment process, EPA can determine whether a tolerance must be amended, revoked, or established, or whether an exemption from the requirement of one or more tolerances must be amended or is necessary.

The procedure for establishing, amending, or repealing tolerances or exemptions from the requirement of tolerances is set forth in the Code of Federal Regulations 40 CFR parts 177 through 180. The Administrator of EPA or any person may initiate an action proposing to establish, amend, revoke, or exempt a tolerance for a pesticide registered for food uses. The proposal must explain the grounds for such a proposed action and will be published as a public notice. Each petition or request for a new tolerance, an amendment to an existing tolerance, or a new exemption from the requirement of a tolerance must be accompanied by a fee or a request for a waiver of such fee. Current Agency policy on tolerance actions identified during the reregistration process is to administratively process without requiring payment of a fee tolerance actions for revision or revocation of an established tolerance, or if the proposed exemption from the requirement of a tolerance requires the concurrent revocation of an approved tolerance. Comments submitted in response to the Agency's published proposals are reviewed; the Agency then publishes its final determination regarding the specific tolerance actions.

II. Chemical-Specific Information and Proposed Actions

A. Methoprene: Amendment to 40 CFR 180.1033 and Revocation of Exemption under 40 CFR 185.4150

1. *Regulatory background.* Methoprene was first registered under FIFRA in 1975; a Registration Standard was issued in February 1982. Subsequent to the issuance of the Registration Standard, methoprene was reclassified by EPA from a conventional to a biochemical pesticide based on its mode of action and chemical structure. The Reregistration Eligibility Document (RED) for methoprene was issued in March 1991. At the time of the RED, a number of sites were registered for mosquito control. For these sites, which included both food and non-food, exemptions from the requirement of tolerances had been established. In the RED, the Agency recommended that these exemptions be revoked based on the following rationale:

> The mosquito vector control uses that were exempt from the requirement of a tolerance under 40 CFR 180.1033 and 185.4150 are now considered non-food uses. Thus, the exemptions are no longer applicable and will be revoked.

Subsequent to the issuance of the RED, other mosquito vector control uses were added to the methoprene label; these included vineyards, date palm orchards, nut orchards, berry orchards, and fruit orchards. No tolerances or exemptions from the requirement of tolerances were established.

2. *Proposed action.* Amendment to 40 CFR 180.1033. The 1991 RED document erroneously reclassifies many of the mosquito vector control uses for food sites as non-food, and recommends that the exemptions from the requirements of a tolerance be revoked because they are unnecessary. The Agency has reviewed its position and determined that the exemptions for all food sites should remain or be established. Because methoprene exhibited low toxicity and showed no oncogenic potential in chronic feeding studies (Ref. 1), and because methoprene has low potential for exposure when used as a mosquito larvae control, the Agency is proposing that methoprene be exempt from the requirement of a tolerance in or on all raw agricultural commodities, including pastures, rice fields, vineyards, date palm orchards, nut orchards, berry orchards, and fruit orchards, when used to control mosquito larvae.

With this proposal, the Agency is acknowledging its error in the RED and is also amending the RED determination that the mosquito vector control uses are non-food. The Agency believes that these uses are indeed food uses, and as such, should have the appropriate clearances for residues on food under the Federal Food, Drug, and Cosmetic Act.

Revocation of exemption under 40 CFR 185.4150(a). Revoke this exemption, deleting paragraph (a), because the Agency no longer requires tolerances for potable water.

B. Sodium Propionate: Revocation of Exemptions under 40 CFR Sections 180.2(a) and 180.1015

1. *Regulatory background.* EPA first registered propionic acid-containing products in the early 1970's. The currently registered products are used as fungicides and bactericides, and have been used for both human food and animal feed. In 1975, EPA exempted sodium propionate from tolerances for residues following post-harvest application in grains or hays (40 CFR 180.1023). Sodium propionate is also exempt from the requirement of a tolerance when applied (as an inert ingredient) to growing crops or to raw agricultural commodities after harvest as described in 40 CFR 180.1001(c). Sodium propionate is Generally Recognized As Safe (GRAS) (21 CFR part 1081), by the Food and Drug Admininstration (FDA) for use in food.

The Reregistration Eligibility Document (RED) was issued for propionic acid and its salts in 1991. The

RED document recommended revoking the exemption from the requirement of tolerances for all active ingredients containing sodium and calcium propionate since no pesticide products contain these pesticides. There are no exemptions from the requirement of tolerances for calcium propionate listed in the 40 CFR.

2. *Proposed action*. The Agency is proposing to revoke the exemptions for sodium propionate under 40 CFR 180.1015 and 180.1027 since there are no registrations for pesticide products containing this active ingredient.

C. Heliothis zea NPV: Changes to the Existing Language Under 40 CFR 180.1027

1. *Regulatory background*. *Heliothis zea* NPV was first registered by the Agency in 1975 as a microbial pesticide for use on cotton and tobacco to control the cotton bollworm and the tobacco budworm. In June 1984, the Registration Standard entitled ''Guidance for the Reregistration of Pesticide Products Containing Nuclear Polyhedrosis Virus of Heliothis Zea as the Active Ingredient'' (NTIS No. PB85134393) was issued for *Heliothis zea* NPV, which summarized the available data supporting its registration and concluded that additional scientific data were needed to evaluate this microbial pesticide. The Reregistration Eligibility Document (RED) was issued for *Heliothis zea* NPV in December 1990. In this document, the Agency conducted a thorough review of the scientific data base and all relevant information supporting the reregistration of *Heliothis zea* NPV, including the data submitted in response to the Registration Standard. The Agency concluded as a result of the reregistration review that the exemption from the requirement for a tolerance on all agricultural commodities continues to be appropriate.

2. *Proposed action*. To better reflect the current viral identification and testing technology, the Agency is at this time proposing to amend the existing language of 40 CFR 180.1027. As specified in the Pesticide Assessment Guideline, Subdivision O, Residue Chemistry, the use of a pesticide on tobacco does not require a tolerance or an exemption from the requirement of a tolerance, so the commodity tobacco will no longer be listed under § 180.1027(c).

III. Public Comment Procedures

Interested persons are invited to submit written comments, information, or data in response to this proposed rule. Comments must be submitted by [insert date 30 days after date of publication in the **Federal Register**]. Comments must bear a notation indicating the document control number. Three copies of the comments should be submitted to either location listed under **ADDRESSES.**

Information submitted as a comment concerning this document may be claimed confidential by marking any or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of a 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.

A record has been established for this proposal under docket number ''OPP–300389'' (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 proposal, 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 address in **ADDRESSES** at the beginning of this document.

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 proposed rule in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

To satisfy requirements for analysis specified by Executive Order 12866 and the Regulatory Flexibility Act, EPA has analyzed the impacts of this proposal. This analysis is available for public inspection in Rm. 1132 at the Virginia address given above.

IV. References

U.S. Environmental Protection Agency. Reregistration Eligibility Document for Isopropyl (2E,4E)-11-Methoxy-3,7,11-Trimethyl-2,4 Dodecadienoate (Referred to as Methoprene). Case 0030. March 1991.

V. Regulatory Assessment Requirements

A. Executive Order 12866

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, competition, 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 entitlements, grants, user fees, or loan programs or the rights and obligations 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, it has been determined that this proposed rule is not a ''significant regulatory action,'' because it does not meet any of the regulatory-significance criteria listed above.

B. Regulatory Flexibility Act

This proposed rule has been reviewed under the Regulatory Flexibility Act of 1980 [Pub. L. 96-354; 94 Stat. 1164, 5 U.S.C. 601 et seq.] and EPA has determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations.

Accordingly, I certify that this proposed rule does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

C. Paperwork Reduction Act

This proposed regulatory action does not contain any information collection requirements subject to review by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

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 15, 1995.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

1. In part 180:

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

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

b. Section 180.2 is revised to read as follows:

§ 180.2 Pesticide chemicals considered safe.

(a) As a general rule, pesticide chemicals other than benzaldehyde (when used as a bee repellent in the harvesting of honey), ferrous sulfate, lime, lime-sulfur, potassium carbonate, potassium polysulfide, potassium sorbate, sodium carbonate, sodium chloride, sodium hypochlorite, sodium polysulfide, sodium sesquicarbonate, sorbic acid, sulfur, and when used as plant desiccants, sodium metasilicate (not to exceed 4 percent by weight in aqueous solution) and when used as post-harvest fungicides, citric acid, fumaric acid, oil of lemon, oil of orange, and sodium benzoate are not for the purposes of section 408(a) of the Act generally recognized as safe.

(b) Upon written request, the Registration Division will advise interested persons whether a pesticide chemical should be considered as poisonous or deleterious, or one not generally recognized by qualified experts as safe.

(c) The training and experience necessary to qualify experts to evaluate the safety of pesticide chemicals for the purposes of section 408(a) are essentially the same as training and experience necessary to qualify experts to serve on advisory committees prescribed by section 408(g). (See § 180.11.)

§ 180.1015 [Removed]

c. Section 180.1015 is removed.

d. Section 180.1027 is revised to read as follows:

§ 180.1027 Nuclear polyhedrosis virus of Heliothis zea; exemption from the requirement of a tolerance.

(a) For the purposes of this section, the viral insecticide must be produced with an unaltered and unadulterated inoculum of the single-embedded *Heliothis zea* nuclear polyhedrosis virus (HzSNPV). The identity of the seed virus must be assured by periodic checks.

(b) Each lot of active ingredient of the viral insecticide shall have the following specifications:

(1) The level of extraneous bacterial contamination of the final unformulated viral insecticide should not exceed 10^7 colonies per gram as determined by an aerobic plate on trypticase soy agar.

(2) Human pathogens, e.g., Salmonella, Shigella, or Vibrio, must be absent.

(3) Safety to mice as determined by an intraperitoneal injection study must be demonstrated.

(4) Identity of the viral product, as determined by the most sensitive and standardized analytical technique, e.g., restriction endonuclease and/or SDS-PAGE analysis, must be demonstrated.

(c) Exemptions from the requirement of a tolerance are established for the residue of the microbial insecticide *Heliothis zea* NPV, as specified in paragraphs (a) and (b) of this section, in or on all agricultural commodities including: corn, cottonseed, beans, lettuce, okra, peppers, sorghum, soybeans, and tomatoes.

e. Section 180.1033 is revised to read as follows:

§ 180.1033 Methoprene; exemption from the requirement of a tolerance.

Methoprene is exempt from the requirement of a tolerance in or on all raw agricultural commodities when used to control mosquito larvae including pastures, rice fields, vineyards, date palm orchards, nut orchards, berry orchards, and fruit orchards.

PART 185—[AMENDED]

2. In part 185:

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

Authority: 21 U.S.C. 348.

b. Section 185.4150 is revised to read as follows:

§ 185.4150 Methoprene.

A tolerance of 10 parts per million is established for residues of isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in or on the food additive commodity cereal grain milled fractions (except flour and rice hulls).

[FR Doc. 95–15438 Filed 6–27–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Parts 185 and 186

[FAP 4H5683/P616; FRL–4959–1]

RIN 2070–AC18

Hexazinone; Food/Feed Additive Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes food and feed additive regulations for residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1*H*,3*H*)-dione) and its metabolites (calculated as hexazinone) in sugarcane molasses. Owing to a transmission error, a previous proposal and final rule stipulated a tolerance of 0.5 part per million (ppm), but the tolerance should have been stipulated as 5.0 ppm. EPA is proposing the food/feed additive regulations to establish the tolerance that E.I. du Pont de Nemours & Co., Inc., petitioned for under the Federal Food, Drug and Cosmetic Act

DATES: Comments, identified by the document control number [PP 4H5683/P616], must be received on or before July 28, 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 Highway, 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