

requirements do not have an 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, Processed foods, Reporting and recordkeeping requirements.

Dated: October 27, 1995,

Peter Caulkins,
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 § 180.1001 paragraphs (c) and (e) are amended in the tables therein by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

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

Inert ingredient	Limits	Uses
1,2 Ethanedi-amine, polymer with oxirane and methyloxirane (CAS Reg. No. 26316-40-5) minimum number average molecular weight 2,800 and the range of number average molecular weight is 2,800 to 10,000 daltons.	Surfactant, dispersing agent.
(e) * * *		

Inert ingredients	Limits	Uses
1,2 Ethanedi-amine, polymer with oxirane and methyloxirane (CAS Reg. No. 26316-40-5) minimum number average molecular weight 2,800 and the range of number average molecular weight is 2,800 to 10,000 daltons.	Surfactant, dispersing agent.
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40 CFR Part 180

[OPP-300402; FRL-4985-6]

RIN 2070-AC18

3,5-Dichloro-N-(1,1-Dimethyl-2-Propynyl)Benzamide; Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA has completed the reregistration process and issued a Reregistration Eligibility Decision (RED) document for the pesticide 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)benzamide, also known as pronamide. 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 chemical subject to this

proposed rule, EPA is proposing the following tolerance actions: to delete individual tolerances and establish crop-grouping tolerances, raise some tolerances and lower others, amend an incorrectly listed tolerance, and modify the statement under 40 CFR 180.317 for the pesticide pronamide.

DATES: Written comments, identified by the OPP document control number [OPP-300402], must be received on or before January 16, 1996.

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 Hwy., 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-300402]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: The contact for the chemical listed above is: Philip Poli, (703)-308-8038; e-mail: poli.philip@epamail.epa.gov. By mail: Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Special Review Branch, Crystal Station #1, 3rd Floor, 2800 Crystal Drive, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION:

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 must 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. 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

Pronamide: Amendment to 40 CFR 180.317

1. *Regulatory background.* Pronamide was registered in the United States in 1972 for use as a herbicide to control grassy and broadleaf weeds on field, vegetable, and orchard crops, forage and fodder, fallow land, woody ornamentals, nursery stock, and Christmas tree plantations.

A Registration Standard for pronamide was issued in April 1986. Under this standard, registrants were required to generate data, supply missing data, and replace unacceptable data. A Data Call-In was issued in 1990 for pronamide requiring additional data. The Reregistration Eligibility Decision (RED) document of May 1994 reflects a reassessment of all data which were submitted in response to the Registration Standard and the Data Call-In.

2. *Proposed action—Modification of tolerance expression.* The Agency is proposing to modify the 40 CFR 180.317(a) and (b) tolerance expressions to state that tolerances " * * * are established for the combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide and its metabolites (containing the 3,5-dichlorobenzoyl moiety and calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide) * * * " to clarify which metabolites of pronamide are determined by the enforcement methods and are included in the tolerance expression.

Tolerances Under 40 CFR 180.317(a)

It is the Agency's policy to set a crop group tolerance when there is an established or proposed tolerance for all of the representative commodities for a specific group or related commodities. This reduces the number of tolerances in 40 CFR part 180 and allows the pesticide to be used on all the commodities in the crop group. The procedures and data requirements for establishing a group tolerance are described in 40 CFR 180.34(f).

A crop group tolerance of 10 parts per million (ppm) is proposed for residues of pronamide in/on the forage and hay of the nongrass animal feeds group. The available data satisfy the requirements for crop group tolerance establishment.

Concomitant with this tolerance proposal, the established tolerances for "alfalfa, fresh", "alfalfa, forage", "alfalfa, hay", "clover", "crown vetch", "sainfoin", and "trefoil" will be deleted.

A crop group tolerance of 0.1 ppm is proposed for residues of pronamide in/on the stone fruits group. Adequate data are available to support the established tolerances for the representative commodities cherries, nectarines, peaches, and plums/fresh prunes, all at 0.1 ppm. Concomitant with this tolerance proposal, the established tolerances for "cherries", "nectarines", "peaches", and "plums" will be deleted.

The available residue data support a proposal to reduce the tolerance for residues in/on endive from 2.0 ppm to 1.0 ppm.

As a result of the improvement in the enforcement method for animal commodities, the Agency is proposing to amend the tolerances for the kidney and liver of cattle, goats, hogs, horses, and sheep from 0.2 ppm to 0.4 ppm. The improved enforcement method measured a higher percentage of the residues of concern in the kidney and liver, plus the residue data reflected an inadequate established tolerance. The Agency has examined the added dietary exposure as a result of this tolerance increase. Since exposure to kidney and liver amounts to approximately 5 percent of the total dietary intake, the additional risk is insignificant. In addition, the tolerance for sheep meat was incorrectly listed in 40 CFR 180.317(a) as 0.2 ppm and will be changed to the correct tolerance of 0.02 ppm.

Confirmatory residue data are required for alfalfa seed; once these data are received the Agency will reassess the tolerance for this commodity. In the interim, the existing tolerance for alfalfa forage will support the alfalfa seed use.

Tolerances Under 40 CFR 180.317(b)

Confirmatory residue data are required for dried winter peas; once these data are received the Agency will reassess the tolerance for this commodity. In the interim, alternate data from Europe are available to support the present tolerance on dried winter peas.

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 January 16, 1996. Comments must bear a notation indicating the document control number. Three copies of the comments should be submitted to either

location listed under **ADDRESSES** above in this document. Information submitted as a comment concerning this document may be claimed confidential by marking any 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 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.

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 60 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Documents considered and relied upon by EPA pertaining to this action, and all written comments filed pursuant to this proposed rule, will be available for public inspection in Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, between 8 a.m. and 4:30 p.m., Monday through Friday, except legal holidays. Any person who has registered, or who has submitted an application for registration under FIFRA of any of the pesticide chemicals listed in this proposed rule, may request that this proposal be referred to an advisory committee. Such a request must be made within 60 days of the publication of this proposal. To satisfy requirements for analysis specified by Executive Order 12866 and the Regulatory Flexibility Act, EPA has considered the impacts of this proposal.

A record has been established for this rulemaking under docket number [OPP-300402] (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 Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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 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.

IV. 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 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 any small businesses, governments, or

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.

D. Unfunded Mandates

This proposed rule contains no Federal mandates under Title II of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4, for State, local, or tribal governments or the private sector because it would not impose enforceable duties on them.

List of Subjects in 40 CFR Part 180

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

Dated: November 1, 1995.

Jack E. Housenger,
Chief, Special Review Branch, Special Review and Reregistration 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. By revising § 180.317 to read as follows:

§ 180.317 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide; tolerances for residues.

(a) Tolerances are established for the combined residues of the herbicide 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)benzamide and its metabolites (containing the 3,5-dichlorobenzoyl moiety and calculated as 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)benzamide) in or on the following raw agricultural commodities:

Commodity	Parts per million
Apples	0.1
Artichokes	0.1
Blackberries	0.05
Blueberries	0.05
Boysenberries	0.05
Cattle, fat	0.02
Cattle, kidney	0.4
Cattle, liver	0.4
Cattle, mbyop (except kidney, liver)	0.02
Cattle, meat	0.02

Commodity	Parts per million
Eggs	0.02
Endive (escarole)	1.0
Goats, fat	0.02
Goats, kidney	0.4
Goats, liver	0.4
Goats, mbyp (except kidney, liver)	0.02
Goats, meat	0.02
Grapes	0.1
Hogs, fat	0.02
Hogs, kidney	0.4
Hogs, liver	0.4
Hogs, mbyp (except kidney, liver)	0.02
Hogs, meat	0.02
Horses, fat	0.02
Horses, kidney	0.4
Horses, liver	0.4
Horses, mbyp (except kidney, liver)	0.02
Horses, meat	0.02
Lettuce	1.0
Milk	0.02
Nongrass animal feeds	10.0
Pears	0.1
Poultry, fat	0.02
Poultry, kidney	0.2
Poultry, liver	0.2
Poultry, mbyp (except kidney, liver)	0.02
Poultry, meat	0.02
Raspberries	0.05
Sheep, fat	0.02
Sheep, kidney	0.4
Sheep, liver	0.4
Sheep, mbyp (except kidney, liver)	0.02
Sheep, meat	0.02
Stone fruits	0.1

(b) Tolerances with regional registrations are established for the combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide and its metabolites (containing the 3,5 dichlorobenzoyl moiety and calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide) in or on the following raw agricultural commodities:

Commodity	Parts per million
Peas, dried (winter)	0.05
Rhubarb	0.1

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BILLING CODE 6560-50-F

40 CFR Part 372

[OPPTS-400062; FRL-4045-4]

Hydrochloric Acid; Toxic Chemical Release Reporting; Community Right-To-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is granting a petition by proposing to modify the listing for hydrochloric acid on the list of toxic chemicals subject to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). Specifically, EPA proposes to delete non-aerosol forms of hydrochloric acid from the list of toxic chemicals subject to section 313. The proposal to delete non-aerosol forms of hydrochloric acid is based on the Agency's conclusion that releases of non-aerosol forms of hydrochloric acid do not cause adverse effects to human health or the environment under ordinary exposure scenarios, and therefore, do not meet the section 313(d)(2) criteria. This proposed rule does not contain an analysis of aerosol forms of hydrochloric acid because they are not the subject of the petition.

DATES: Written comments must be received by January 16, 1996.

ADDRESSES: Written comments should be submitted in triplicate to: OPPT Docket Clerk, TSCA Nonconfidential Information Center (NCIC), also known as, TSCA Public Docket Office (7407), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Attention: Docket Control Number OPPTS-400062.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@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 OPPTS-400062. No confidential business information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit VII. of this document.

FOR FURTHER INFORMATION CONTACT: Maria J. Doa, Petitions Coordinator, 202-260-9592, e-mail:

doa.maria@epamail.epa.gov, for specific information on this proposed rule, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, in Virginia and Alaska: 703-412-9877 or Toll free TDD: 1-800-553-7672.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

This action is taken under sections 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11023. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99-499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (42 U.S.C. 13106). When enacted, section 313 established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. Hydrochloric acid was included in the initial list of chemicals and chemical categories. Section 313(d) authorizes EPA to add chemicals to or delete chemicals from the list, and sets forth criteria for these actions. Under section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. EPA has added and deleted chemicals from the original statutory list. Pursuant to EPCRA section 313(e)(1), EPA must respond to petitions within 180 days either by initiating a rulemaking or by publishing an explanation of why the petition has been denied.

EPA issued a statement of petition policy and guidance in the Federal Register of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for petitions. On May 23, 1991 (56 FR 23703), EPA issued a statement of policy and guidance regarding the recommended content of petitions to delete individual members of the section 313 metal compound categories. EPA has published a statement clarifying its interpretation of the section 313(d)(2) and (3) criteria for adding and deleting chemicals from the section 313 toxic chemical list (November 30, 1994; 59 FR 61439).

II. Description of Petition and Related Activities

On September 11, 1991, EPA received a petition from BASF Corporation, E.I. du Pont de Nemours, Monsanto Company, and Vulcan Materials