

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.

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: October 24, 1995,

Stephen L. Johnson,

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 § 180.434, paragraph (a) is amended in the table therein by adding and alphabetically inserting an entry for mushrooms, and paragraph (b) is amended in the table therein by adding and alphabetically inserting an entry for mint, to read as follows:

**§ 180.434** 1 - [[2 - (2,4 - dichlorophenyl) - 4 - propyl - 1,3 - dioxolan - 2 - yl]methyl] - 1H - 1,2,4 - triazole; tolerances for residues.

(a) \* \* \*

Commodity	Parts per million
* * * *	*
Mushrooms .....	0.1
* * * *	*

(b) \* \* \*

Commodity	Parts per million
* * * *	*
Mint, tops (leaves and stems) ..	0.3
* * * *	*

\* \* \* \*

[FR Doc. 95-28184 Filed 11-14-95; 8:45 am] BILLING CODE 6560-50-F

**40 CFR Part 180**

[OPP-300401; FRL-4985-4]

RIN 2070-AC18

**1,2-Ethanediamine, Polymer With Oxirane and Methyloxirane; Tolerance Exemption**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** This document proposes to establish an exemption from the requirement of a tolerance for residues of 1,2-ethanediamine, polymer with oxirane and methyloxirane (CAS Reg. No. 26316-40-5) when used as an inert ingredient (surfactant and dispersing agent) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest and to animals, under 40 CFR 180.1001 (c) and (e). The BASF Corp. requested this proposed regulation pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA).

**DATES:** Written comments, identified by the document control number [OPP-300401], must be received on or before December 15, 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, 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 will be included in the public docket 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 4:30 p.m., Monday through Friday, excluding legal holidays.

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-300401]. 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:** By mail: Bipin Gandhi, Registration Support Branch, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, 6th Floor, Arlington, VA 22202, (703)-308-8380; e-mail: gandhi.bipin@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** The BASF Corp., 3000 Continental Drive-North, Mount Olive, NJ 07828-1234, has submitted a pesticide petition, PP 5E04579, to EPA requesting that the Administrator, pursuant to section 408(e) of the FFDCA (21 U.S.C. 346a(e)), propose to amend 40 CFR 180.1001 (c) and (e) by exempting 1,2-ethanediamine, polymer with oxirane and methyloxirane (CAS Reg. No. 26316-40-5) when used as an inert ingredient (surfactant and dispersing agent) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest and to animals, under 40 CFR 180.1001(c) and (e). These inert ingredients meet the definition of polymers under 40 CFR 723.250(b) and the criteria listed in 40 CFR 723.250(e) that define chemical substances that pose no unreasonable risks under section 5 of the Toxic Substance Control Act (TSCA).

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 to imply nontoxicity; 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 set forth a list of studies which would generally be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. However, where it can be determined without such data that the inert ingredient will present minimal or no risk, the Agency generally does not require some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an inert ingredient. The Agency has decided that no data, in addition to that described below, for 1,2-ethanediamine, polymer with oxirane and methyloxirane will need to be submitted. The rationale for this decision is described below.

In the case of certain chemical substances that are defined as "polymers," the Agency has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk.

1,2-Ethanediamine, polymer with oxirane and methyloxirane conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers:

1. 1,2-Ethanediamine, polymer with oxirane and methyloxirane is not a cationic polymer, nor is it reasonably anticipated to become a cationic

polymer in a natural aquatic environment.

2. 1,2-Ethanediamine, polymer with oxirane and methyloxirane contains as an integral part of its composition the atomic elements carbon, hydrogen, oxygen, and nitrogen.

3. 1,2-Ethanediamine, polymer with oxirane and methyloxirane does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(2)(ii).

4. 1,2-Ethanediamine, polymer with oxirane and methyloxirane is not designed, nor is it reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. 1,2-Ethanediamine, polymer with oxirane and methyloxirane is not manufactured or imported from monomers and/or other reactants that are not already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. 1,2-Ethanediamine, polymer with oxirane and methyloxirane is not a water-absorbing polymer.

7. The minimum number-average molecular weight of 1,2-ethanediamine, polymer with oxirane and methyloxirane is 2,800. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through skin or GI tract generally are incapable of eliciting a toxic response.

8. 1,2-Ethanediamine, polymer with oxirane and methyloxirane has a number average molecular weight in the range of 2,800 to 10,000 daltons and contains less than 10 percent oligomeric material below molecular weights 500 and less than 25 percent oligomeric material below 1,000 molecular weight.

9. 1,2-Ethanediamine, polymer with oxirane and methyloxirane has a combined (total) reactive group equivalent weight greater than or equal to 1,000 for amines as functional groups.

Based on the information above and review of its uses, EPA has found that, when used in accordance with good agricultural practice, 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 for the polymer 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, that contains the ingredient listed herein, may request within 30 days after the 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 FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300401]. 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 [OPP-300401] (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 be placed in the paper copies of the official rulemaking record which also will include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in the **ADDRESSES** at the beginning of this document.

The Office of Management and Budget has exempted this rule from the requirements of section 2 of Executive Order 12866.

Pursuant to the requirement 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 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.
* * *		

[FR Doc. 95-28182 Filed 11-14-95; 8:45 am]  
BILLING CODE 6560-50-F

**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.)