periods of combustion research, as defined in § 60.41c.

(d) Any temporary change to an existing steam generating unit for the purpose of conducting combustion research is not considered a modification under § 60.14.

3. Section 60.41c is amended by adding the following definition in alphabetical order:

§ 60.41c Definitions.

* * * * *

Combustion Research means the experimental firing of any fuel or combination of fuels in a steam generating unit for the purpose of conducting research and development of more efficient combustion or more effective prevention or control of air pollutant emissions from combustion, provided that, during these periods of research and development, the heat generated is not used for any purpose other than preheating combustion air for use by that steam generating unit (i.e., the heat generated is released to the atmosphere without being used for space heating, process heating, driving pumps, preheating combustion air for other units, generating electricity, or any other purpose).

* * * * *

[FR Doc. 95–28187 Filed 11–14–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[PP 2E4037 and 5E4437/P635; FRL–4983–3]

RIN 2070–AC18

1-[[2-(2,4-Dichlorophenyl)-4- Propyl-1,3-Dioxolan-2-yl]Methyl]- 1H-1,2,4-Triazole; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish tolerances for residues of the fungicide 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2yl]methyl]-1*H*-1,2,4-triazole (also called propiconazole) and its metabolites determined as 2,4-dichlorobenzoic acid and expressed as parent compound in or on the raw agricultural commodities mint tops (leaves and stems) at 0.3 part per million (ppm) and mushrooms at 0.1 ppm. The Interregional Research Project No. 4 (IR–4) submitted petitions under the Federal Food, Drug and Cosmetic Act (FFDCA) requesting that EPA establish maximum permissible levels for residues of propiconazole in or on the commodities.

DATES: Comments, identified by the document control number [PP 2E4037 and 5E4437/P635], 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, 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 WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by docket numbers [PP 2E4037 and 5E4437/P635]. 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 should not be submitted through e-mail. Information marked as CBI 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 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Hwy., Arlington, VA 22202, (703)–308–8783; e-mail: jamerson.hoyt@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted to EPA pesticide petitions, PP 2E4037 and PP 5E4437, on behalf of the named Agricultural Experiment Stations. The petitions request that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.434 by establishing tolerances for residues of 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2yl]methyl]-1*H*-1,2,4-triazole and its metabolites determined as 2,4-dichlorobenzoic acid and expressed as parent compound in or on certain raw agricultural commodities as follows:

1. *PP 2E4037.* Petition submitted on behalf of the Agricultural Experiment Station of Oregon proposing a tolerance for mint tops (leaves and stems) at 0.3 ppm. The petitioner proposed that use of propiconazole on mint be limited to mint production areas west of the Cascade Mountains based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking broader registration should contact the Agency's Registration Division at the address provided above.

2. *PP 5E4437.* Petition submitted on behalf of the Agricultural Experiment Station of Pennsylvania proposing a tolerance for mushrooms at 0.1 ppm.

The scientific data submitted in the petitions and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances include:

1. A 1-year feeding study with dogs, which were fed diets containing 0, 5, 50, or 250 ppm, with a no-observed-effect level (NOEL) of 50 ppm (equivalent to 1.25 mg/kg/day). Mild irritation of stomach mucosa was observed at the 250- ppm dose level.

2. A developmental toxicity study with rabbits, which were given gavage doses of 0, 30, 90, or 180 mg/kg/day, with no evidence of maternal or developmental toxicity observed under the conditions of the study.

3. A second developmental toxicity study in rabbits, which were given gavage doses of 0, 100, 250, or 400 mg/kg/day on gestation days 7 through 19, with no developmental toxicity observed under the conditions of the study. The NOEL for maternal toxicity for this study is established at 100 mg/kg/day based on decreased food consumption, weight gain, and an increase in the number of resorptions at the higher dose levels.

4. A developmental toxicity study with rats, which were given gavage doses of 0, 30, 100, or 300 mg/kg/day, with no developmental toxicity observed under the conditions of the

study. The NOEL for maternal toxicity for this study is established at 100 mg/kg/day based on decreased body weight gain and food consumption in rats from the high-dose group. The NOEL for fetotoxicity (ossification retardation) is established at 30 mg/kg/day.

5. A second developmental toxicity study with rats, which were given gavage doses of 0, 30, 90, or 360/300 mg/kg/day, with a NOEL for developmental toxicity of 30 mg/kg/day. Evidence of developmental toxicity observed at the 90 mg/kg/day level includes increased incidence of unossified sternebrae, rudimentary ribs, and shortened or absent renal papillae.

6. A two-generation reproduction study with rats, which were fed diets containing 0, 1, 100, 500, or 2,500 ppm, with no reproductive effects observed under the conditions of the study. The NOEL for developmental toxicity is established at 500 ppm (equivalent to 25 mg/kg/day) based on decreased offspring survival, body weight depression, and increased incidence of hepatic lesions in rats at the 2,500-ppm level.

7. A 2-year chronic feeding/carcinogenicity study with rats fed diets containing 0, 100, 500, or 2,500 ppm with a systemic NOEL of 100 ppm (equivalent to 5 mg/kg/day) based on hepatocyte changes in males at the 500-ppm level and in both sexes at the 2,500-ppm level. There were no carcinogenic effects observed under the conditions of the study.

8. A 2-year chronic feeding/carcinogenicity study with mice, which were fed diets containing 0, 100, 500, or 2,500 ppm, with a systemic NOEL of 100 ppm (equivalent to 15 mg/kg/day) based on decreased body weight, and increased liver lesions and liver weight in males. There was a statistically significant increase in combined adenomas and carcinomas of the liver in male mice at the 2,500-ppm level (equivalent to 375 mg/kg/day).

9. A battery of mutagenicity studies to determine propiconazole's potential for gene mutation, chromosomal aberrations, and other genotoxic effects were all negative.

Propiconazole is classified as a possible human carcinogen (Group C) by the Office of Pesticide Programs' Health Effects Division's Carcinogenicity Peer Review Committee. (See the Federal Register of May 25, 1994 (59 FR 26948) for additional information regarding EPA's evaluation of the carcinogenicity potential of propiconazole.) Based on the weight of evidence, EPA has, therefore, chosen to use the reference dose (RfD) to estimate dietary risk from propiconazole residues.

The reference dose is established at 0.013 mg/kg/day, based on a NOEL of 1.25 mg/kg of body weight/day and an uncertainty factor of 100. The NOEL is taken from a 1-year feeding study in dogs which demonstrates irritation of the stomach in males as an endpoint effect. The Agency has evaluated dietary exposure to the propiconazole residues based the anticipated residue contribution (ARC) from certain existing tolerances and the theoretical maximum residue contribution (TMRC) from other existing tolerances and the proposed tolerances for mushrooms and mint. The TMRC assumes that 100 percent of the crops are treated and that the resulting residues are at tolerance levels. The ARC estimates expected dietary exposure based on actual residue levels that are anticipated on the treated commodities and/or the estimated percent of the crop treated.

Dietary exposure to residues of propiconazole from existing uses and the proposed uses on mushrooms and mint is estimated at 0.000630 mg/kg/day (5 percent of the RfD) for the general population, or 0.002020 mg/kg/day (16 percent of the RfD) for nonnursing infants, less than 1-year-old. The dietary risk assessment indicates that there is no appreciable risk from established tolerances and the proposed tolerances for mushrooms and mint.

The nature of the residue in plants is adequately understood for the purposes of the proposed tolerances. Adequate analytical methods are available for enforcement purposes. Because of the long lead time from establishing these tolerances to publication of the enforcement methods in the Pesticide Analytical Manual, Vol. II, the analytical methods are being made available to anyone with an interest in pesticide enforcement when requested from: Calvin Furlow, Public Response and Program Resources Branch, Field Operations Divisions (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)–305–5937.

There is no reasonable expectation that secondary residues will occur in meat, milk, poultry or eggs since there are no livestock feed items associated with the proposed tolerances.

There are presently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR 180 would protect the public health. Therefore, it is proposed that the tolerances 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 notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

A record has been established for this rulemaking under docket numbers [PP 2E4037 and 5E4437/P635] (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 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.

Under Executive Order 12866 (58 FR 51735, Oct. 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.

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).