

**Economic Assessment and Certification**

This final rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply. These final rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps has determined that the economic impact of the changes to the restricted area will have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, no significant economic impact on small entities.

**National Environmental Policy Act Certification**

An environmental assessment has been prepared which concludes that the proposed action will not have a significant impact to the human environment, and preparation of an environmental impact statement is not required. Copies of the environmental assessment may be reviewed at the Seattle District Office located at 4735 East Marginal Way South, Seattle, Washington, 98134.

**List of Subjects in 33 CFR Part 334**

Navigation (water), Transportation, Danger zones.

In consideration of the above, the Corps is adopting without change, the amendments to Part 334 of Title 33, published as an interim final rule on August 21, 1995, at 60 FR 43378 and corrected on November 24, 1995 at 60 FR 57934.

Dated: January 23, 1996.

Approved:

Stanley G. Genega,

Major General, USA, Director of Civil Works.  
[FR Doc. 96-1337 Filed 1-23-96; 11:44 am]

BILLING CODE 3710-92-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[PP 3E4230/R2189; FRL-4987-5]

RIN 2070-AB78

**Jojoba Oil; Tolerance Exemption**

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

**ACTION:** Final rule.

**SUMMARY:** This document establishes an exemption from the requirement of a tolerance for jojoba oil in or on all raw agricultural commodities when applied at not more than 1.0% of the final spray as an insecticide or as a pesticide spray tank adjuvant in accordance with good agricultural practices. Amvac Chemical Corp. submitted a petition pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA) requesting the regulation to establish an exemption from the requirement of a tolerance.

**EFFECTIVE DATE:** This regulation becomes effective January 25, 1996.

**ADDRESSES:** Written objections and hearing requests, identified by the document control number, [PP 3E4230/R2189], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted 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 copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [PP 3E4230/R2189]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this 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: Michael L. Mendelsohn, Regulatory Action Leader, Biopesticides and Pollution Prevention Division

(7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: 5th Floor, 2800 Crystal Drive, North Tower, Arlington, VA 22202, (703)-308-8715; e-mail: mendelsohn.michael@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of October 25, 1995 (60 FR 54637), EPA issued a proposed rule that gave notice that Amvac Chemical Corp., 2110 Davie Ave., City of Commerce, CA 90040, had submitted pesticide petition (PP) 3E4230 to EPA requesting that the Administrator, pursuant to section 408(e) of the FFDCA, 21 U.S.C. 346a(e), amend 40 CFR part 180 by establishing an exemption from the requirement of a tolerance for simmondsia liquid wax (jojoba oil) and the product Detur for use as an inert ingredient in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. Subsequent to its petition, Amvac informed EPA that it had transferred all Detur assets to Imperial Jojoba Oils of El Centro, CA. EPA has, of its own initiative, expanded the original petition to include pesticidal uses of jojoba oil in this proposed exemption from the requirement of a tolerance.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted with the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance exemption will protect the public health. Therefore, the tolerance exemption is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues,

and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 3E4230/R2189] (including any objections and hearing requests 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.

Written objections and hearing requests, identified by the document control number [PP 3E4230/R2189], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk 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 any objections and hearing requests 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 objections and hearing requests 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 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 entitlement, 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 the 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: January 16, 1996.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is 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 subpart D, by adding new § 180.1160, to read as follows:

#### § 180.1160 Jojoba oil; exemption from the requirement of a tolerance.

The insecticide and spray tank adjuvant jojoba oil is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied at the rate of 1.0% or less of the final spray in accordance with good agricultural practices, provided the jojoba oil does not contain simmondsin, simmondsin-2-ferulate, and related conjugated organonitriles including demethyl simmondsin and didemethylsimmondsin.

[FR Doc. 96-1211 Filed 1-24-96; 8:45 am]

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#### GENERAL SERVICES ADMINISTRATION

#### 41 CFR Part 101-20

[FPMR Amendment D-94]

RIN 3090-AF90

#### Tobacco Vending

AGENCY: General Services Administration.

ACTION: Final rule.

**SUMMARY:** General Services Administration's Appropriations Act, Public Law 104-52, Section 636, referred to as the "Prohibition of Cigarette Sales to Minors in Federal Buildings and Land Act," requires the Administrator of General Services to promulgate regulations that prohibit the sale of tobacco products in vending machines and the distribution of free samples of tobacco products in Government-owned and leased space under the custody and control of the GSA. GSA intends to have tobacco-product vending machines removed from Government property.

**EFFECTIVE DATE:** January 25, 1996.

**FOR FURTHER INFORMATION CONTACT:** Dan Shipley, (202) 501-1968.

**SUPPLEMENTARY INFORMATION:** The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866.

The Paperwork Reduction Act does not apply because the revisions do not impose record keeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under U.S.C. 3501, *et seq.* This rule is not required to be published in the Federal Register for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.