

List of Subjects in 40 CFR Part 180

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

Dated: February 23, 1996.

Peter Caulkins,

Acting Director, Registration Division, 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. Section 180.489, is added to subpart C to read as follows:

**§ 180.489 Sulfonium, trimethyl-salt with N-(phosphonomethyl)glycine (1:1); tolerances for residues.**

(a) Tolerances are established for residues of the herbicide Sulfonium, trimethyl-salt with N-(phosphonomethyl)glycine (1:1) in or on the following raw agricultural products:

Commodities	Parts per million
Almond, hulls, (of which no more than 0.3 ppm is trimethylsulfonium) .....	1.00
Bananas (imported only) <sup>a</sup> .....	0.05
Citrus fruit group, .....	0.05
Grapes, .....	0.10
Tree nut group, .....	0.05

<sup>a</sup> There are no U.S. registrations as of the date of publication of the tolerance in the FEDERAL REGISTER.

(b) Time-limited tolerances to expire March 9, 1998, are established for the residues of the herbicide sulfonium, trimethyl-salt with N-(phosphonomethyl)glycine (1:1) in or on the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat .....	0.10
Cattle, mbyp .....	1.00
Cattle, meat .....	0.20
Corn, fodder (of which no more than 0.20 ppm is trimethylsulfonium) .....	0.30
Corn, forage .....	0.10
Corn, grain (of which no more than 0.10 is trimethylsulfonium) .....	0.20
Eggs .....	0.02
Goats, fat .....	0.10
Goats, mbyp .....	1.00

Commodities	Parts per million
Goats, meat .....	0.20
Hogs, fat .....	0.10
Hogs, mbyp .....	1.00
Hogs, meat .....	0.20
Horses, fat .....	0.10
Horses, mbyp .....	1.00
Horses, meat .....	0.20
Milk .....	0.20
Poultry, fat .....	0.05
Poultry, liver .....	0.05
Poultry, mbyp .....	0.10
Poultry, meat .....	0.05
Sheep, fat .....	0.10
Sheep, mbyp .....	1.00
Sheep, meat .....	0.20

[FR Doc. 96-5537 Filed 3-7-96; 8:45 am]

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**40 CFR Part 180**

[OPP-300401A; FRL-4993-2]

RIN 2070-AB78

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

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

**ACTION:** Final rule.

**SUMMARY:** This rule establishes 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).

**EFFECTIVE DATE:** This regulation becomes effective March 8, 1996.

**ADDRESSES:** Written objections and hearing requests, identified by the document control number, [OPP-300401A], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. 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 a copy of objections and

hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov.

Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [OPP-300401A]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic 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: Bipin Gandhi, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, 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:** EPA issued a proposed rule, published in the Federal Register of November 15, 1995 (60 FR 57377), which announced that the BASF Corp., 3000 Continental Drive-North, Mount Olive, NJ 07828-1234, had submitted a pesticide petition, PP 5E04579, to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (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. 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 intended to imply nontoxicity; the ingredient may or may not be chemically active.

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 exemptions will protect the public health. Therefore, the tolerance exemptions are 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 to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed 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 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).

EPA has established a record for this rulemaking under docket number [OPP-300401A] (including any comments and data submitted electronically). 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 may 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 any copies of 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 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, October 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: February 26, 1996.

Peter Caulkins,

*Acting Director, Registration Division, 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 § 180.1001, paragraphs (c) and (e) are amended in the tables therein by adding and alphabetically inserting the following inert ingredient:

#### **§ 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 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

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**40 CFR Part 185**

[FAP 1H5606/R2211; FRL-5353-3]

RIN 2070-AB78

**Food Additive Regulation for Sulfonium, trimethyl-salt with N-(phosphonomethyl)glycine (1:1) (formerly glyphosate-trimesium/sulfosate)**

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

**ACTION:** Final rule.

**SUMMARY:** These regulations establish a food additive regulation for the residues of the herbicide sulfonium, trimethyl-salt with N-(phosphonomethyl)glycine (1:1) (formerly glyphosate-trimesium/sulfosate) in or on the processed commodity raisins. The regulation to establish maximum permissible levels for residues of the pesticide in or on the commodity was requested in a petition submitted by Zeneca AG Products. **EFFECTIVE DATE:** This regulation becomes effective March 8, 1996. **ADDRESSES:** Written objections and hearing requests, identified by the document control number, [FAP 1H5606/R2211], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. 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. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov.

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Libraries. Additional information on electronic submissions can be found below in this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: Robert J. Taylor, Product Manager (PM) 25, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305-6027; e-mail: taylor.robert@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA issued a notice (PF-638; FRL-4986-8), published in the Federal Register of November 15, 1995 (60 FR 57422), which announced that Zeneca AG Products, 1800 Concord Pike, P.O. Box 15458, Wilmington, DE 19850-5458, had submitted a food additive petition (FAP) 1H5606 to EPA requesting that the Administrator, pursuant to section 409(e) of the FDCA (21 U.S.C. 348), amend 40 CFR part 185 by establishing a food additive regulation for the residues of the herbicide sulfonium, trimethyl-salt with N-(phosphonomethyl)glycine (1:1) (formerly glyphosate-trimesium/sulfosate), in or on the processed food commodity raisins at 0.20 ppm (of which no more than 0.05 ppm is trimethylsulfonium).