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 proposed 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: March 20, 1996.

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 § 180.226, by adding new paragraph (c) to read as follows:

§180.226 Diquat; tolerances for residues.

* * * * *

(c) Tolerances are established for the plant growth regulator diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium] derived from application of the dibromide salt and calculated as the cation in or on the following raw agricultural commodities:

Commodity	Parts per million
Bananas	0.05
Coffee	0.05

There are no U.S. registrations as of December 6, 1995.

[FR Doc. 96–7445 Filed 3–26–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

RIN 2070–AB18

[OPP–300418; FRL–5355–6]

Oxidized Pine Lignin, Sodium Salt; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that oxidized pine lignin, sodium salt (CAS Reg. No. 68201-23-0) be exempted from the requirement of a tolerance when used as an inert ingredient (surfactant or adjuvant to surfactant) in pesticide formulations. This proposed regulation was requested by LignoTech USA, Inc.

DATES: Comments, identified by the docket control number [OPP–300418], must be received on or before April 26, 1996.

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. 1128, Crystal Mall, Building #2, 1921 Jefferson Davis Highway, Arlington, VA.

ADDRESSES: The Agency invites any interested person who has concerns about the implementation of this action to submit written comments in triplicate to: By mail: Program Resources Section, Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, 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–300418.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the SUPPLEMENTARY unit 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 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 may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Amelia M. Acierto, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 2800 Crystal Drive North Tower, Arlington, VA, (703) 308-8375, e-mail acierto.amelia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: LignoTech USA, Inc., 100 Highway 51 South, Rothschild, WI 54474-1998 submitted pesticide petition (PP) number 5E04471 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001 (c) and (e) by establishing an exemption from the requirement of a tolerance for oxidized lignin, sodium salt when used as a surfactant or adjuvant to surfactant in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest or to animals. 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.

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 that 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 oxidized lignin, sodium salt will need to be submitted. The rationale for this decision is described below:

1. Similar chemicals such as pine lignin (used as an absorbent) and sulfonated kraft lignin/lignosulfonates (used as a surfactant or related adjuvant to surfactant), are exempt from the requirement of a tolerance when used in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest or to animals under 40 CFR 180.1001 (c) and (e).

2. Pine lignin, also known as kraft lignin, is a derivative of a natural plant polymer, lignin, which is the most abundant polymer in nature. Pine lignin is used as a raw material for oxidized kraft lignin as well as a starting material for pine-kraft lignin-based lignosulfonates. It is produced as a coproduct during the manufacture of paper via the kraft pulping process.

3. The toxicological data show that pine lignin, sulfonated pine lignin as well as oxidized pine lignin or lignosulfonates are of very low acute toxicity (LD50 >2 to >5 g/kg in rats and LC50 >1000 to >3000 mg/l in fish).

4. Pine lignin is classified as toxicity category IV in a skin irritation and eye irritation studies.

Based on the submitted toxicological data, physico-chemical properties of the sodium salt of oxidized kraft lignin, its structural similarity to related chemicals such as kraft lignin/lignosulfonates and pine/kraft lignin that have already been exempted under 40 CFR 180.1001(c) and (e), and the review of its use, the Agency has found that, when used as a surfactant or adjuvant to surfactant in pesticide formulations applied preharvest, postharvest or to animals 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 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 document in the Federal Register that this proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [OPP–300418].

A record has been established for this proposal under docket number ''OPP–300418'' (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 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 the proposal 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 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.

The Office of Management and Budget has exempted this proposed rule from the requirements of section 3 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354 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

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: March 13, 1996.

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. Section 180.1001 is amended by revising the table in paragraphs (c) and (e) by adding and alphabetically inserting the inert ingredient, oxidized pine lignin to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * * *	
Oxidized pine lignin, sodium salt (CAS Reg. No. 68201-23-0)	Maximum of 2% of formulation	Surfactant or adjuvant to surfactant
* * *	* * * *	

* * * * * (e) * * *

Inert ingredients	Limits	Uses
* * *	* * * *	
Oxidized pine lignin, sodium salt (CAS Reg. No. 68201-23-0)	Maximum of 2% of formulation	Surfactant or adjuvant to surfactant
* * *	* * * *	

[FR Doc. 96–7448 Filed 3–26–96; 8:45 am]
BILLING CODE 6560–50–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 649

[Docket No. 960315082–6082–01; I.D. 031296C]

RIN 0648–XX55

American Lobster Fishery; Removal of Regulations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS announces its initial determination to withdraw approval of the Fishery Management Plan for the American Lobster Fishery (FMP), and proposes to remove the regulations implementing the FMP. Withdrawal of FMP approval appears necessary, because changed circumstances have called into question whether this FMP is consistent with the national standards of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The intended effect of this action is to ensure that Federal management of the American lobster fishery more closely complies with state-administered programs.

DATES: Comments on the proposed rule must be received on or before May 13, 1996.

ADDRESSES: Comments on the proposed rule should be sent to Dr. Andrew A. Rosenberg, Regional Director, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-3799.

Copies of the Environmental Assessment (EA) supporting this action and the regulatory impact review (RIR) are available from the same address.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 508-281-9273.

SUPPLEMENTARY INFORMATION:

The subject FMP, prepared by the New England Fishery Management Council (Council), was approved and implemented in 1983. Implementing regulations are found at 50 CFR part 649. The FMP has been amended several times since implementation, most recently by Amendment 5. The purpose of Amendment 5 is to prevent overfishing through adoption of a stock rebuilding program in the exclusive economic zone (EEZ) to be developed by effort management teams (EMTs) to enhance the existing regulations, including those implemented by the individual coastal states and the Atlantic States Marine Fisheries Commission (ASMFC). Amendment 5 has not yet achieved this objective and on September 18, 1995 (60 FR 48086), NMFS published an advance notice of proposed rulemaking (ANPR) that requested comments from the public on options for lobster management. This proposed rule discusses the comments received as a result of the ANPR and the other circumstances that give rise to this proposed action to withdraw the FMP.

These options were discussed in the ANPR: Whether to withdraw the FMP and develop regulations under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA), or proceed with development of a Secretarial fishery management plan, or some other option. NMFS stated that it wished to retain as many current measures as possible under the law, and especially desired to consider those measures proposed by the group of industry, government, and other non-government participants who constituted the EMTs. Written responses were received on the ANPR from the Council, the ASMFC, two state fishery agencies, three fishing associations, and one individual. Two comments favored withdrawal of the FMP and the development of regulations under the ACFCMA. Five comments requested that NMFS keep the current FMP in place while the ASMFC develops an amendment to its lobster coastal management plan (CMP). The one remaining comment was in favor of Secretarial action for the offshore lobster fishery.

There are several reasons to withdraw this FMP. In accordance with the goals of the initiative to reform the Federal regulatory system announced by the President on February 21, 1995, the lobster FMP can be eliminated without compromising resource management and conservation objectives. The American lobster fishery is prosecuted primarily in state waters from Maine to Virginia and these states have implemented protective measures under state law in addition to the ASMFC CMP. Final withdrawal of the FMP and its implementing regulations would only occur upon completion of an effective state management program, most likely developed by the ASMFC. The primary objective of the FMP has been to serve as a vehicle for coordinated management of the American lobster fishery throughout its range. The FMP was prepared to support the management efforts of the states. However, the need for a Magnuson Act fishery management plan for lobster is now in question, given the