

or, if the waiver has been denied, the proper fee is submitted after notice of denial. A request for waiver or refund will not be accepted after scientific review has begun on a petition.

(o) This fee schedule will be changed annually by the same percentage as the percent change in the Federal General Schedule (GS) pay scale. In addition, processing costs and fees will periodically be reviewed and changes will be made to the schedule as necessary. When automatic adjustments are made based on the GS pay scale, the new fee schedule will be published in the Federal Register as a Final Rule to become effective 30 days or more after publication, as specified in the rule. When changes are made based on periodic reviews, the changes will be subject to public comment.

[FR Doc. 96-10918 Filed 5-2-96; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 4F4406/R2222; FRL-5358-5]

RIN 2070-AB78

Tefluthrin; Renewal of Time-limited Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the pyrethroid tefluthrin and its metabolites in or on the raw agricultural commodity (RAC) corn, fresh (including sweet K + CWHR) at 0.06 parts per million (ppm), and corn, forage and fodder, sweet at 0.06 ppm and renews time-limited tolerances for tefluthrin on the RAC's corn, grain, field, and pop; corn forage and fodder, field and pop. These regulations to establish maximum permissible levels for residues of the chemical and renew tolerances were requested in a petition submitted by Zeneca Ag Products.

EFFECTIVE DATE: This regulation becomes effective May 3, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 4F4406/R2222], may be submitted to: Hearing Clerk (A-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.

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 [PP 4F4406/R2222]. 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: George T. LaRocca, Product Manager (PM) 13, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 200, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305-6100; e-mail: larocca.george@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of February 8, 1995 (60 FR 7540)(FRL-4926-4), which announced that Zeneca Ag Products had submitted pesticide petition (PP) 4F4406 to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish a tolerance for the combined residues of the insecticide tefluthrin (2,3,5,6-tetrafluoro-4-methylphenyl)methyl-(1 *alpha*, 3 *alpha*)-(Z)-(±)-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate and its metabolite (Z)-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylic acid, in or on the raw agricultural commodity corn, fresh (including sweet K + CWHR)

at 0.06 ppm, and corn, forage and fodder, sweet at 0.06 parts per million (ppm).

No comments were received in response to the notice of filing.

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological and metabolism data considered in support of the tolerance are discussed in detail in related documents published in the Federal Register of February 1, 1989 (54 FR 5080).

A dietary exposure/risk assessment was performed for tefluthrin on sweet corn using a Reference Dose (RfD) of 0.005 mg/kg/day, based on a no-observed-effect-level (NOEL) of 0.5 mg/kg bwt/day from a 1-year dog feeding study with an uncertainty factor of 100. The endpoint of concern was increased incidence of ataxia. The Theoretical Maximum Residue Contribution (TMRC) from established tolerances utilizes 0.41% of the RfD for the U. S. population or 0.69% of the RfD if the new tolerance is granted. Established tolerances utilize 1.06% of the RfD for nonnursing infants less than 1 year old, the subgroup with the highest estimated exposure to tefluthrin residues or 1.71% of the RfD if the new tolerance is granted.

Generally speaking, EPA has no cause for concern if total residue contribution for published and final tolerances is less than the RfD.

The nature of tefluthrin residue in plants and animals for this corn use is adequately understood. The residues of concern is tefluthrin and its metabolite. There is no reasonable expectation of secondary residues in animal tissues and milk from the use as delineated in 40 CFR 180.6(a)(3). An adequate analytical method, gas liquid chromatography with an electron capture detector, is available for enforcement purposes. The enforcement methodology has been submitted to the Food and Drug Administration, and is published in the *Pesticide Analytical Manual* Vol. II (PAM II).

In the Federal Register of September 30, 1994 (59 FR 49824) EPA amended 40 CFR 180.440 by extending to November 15, 1995 tolerances of 0.06 ppm for residues of tefluthrin in or on field and pop, corn grain including, forage and fodder. The tolerances were extended to coincide with the extension of the conditional registration of this pesticide to allow time for EPA to review data and complete an aquatic risk assessment for use on field and pop corn. The basis for the extension is discussed in detail in the above Federal Register notice. On November 14, 1995 EPA again amended the conditional

registration of this pesticide on field and pop corn by extending the expiration date to November 15, 1996. The registration was amended and extended for an additional year to allow time for submission and evaluation of additional data/information on aquatic risk mitigation, specifically, surface-water runoff data. Zeneca Ag Products submitted this information on December 1, 1995.

To be consistent with the extension issued for the conditional registration the Agency is renewing the tolerances on field and pop corn grains, including their forage and fodder, with an expiration date of November 15, 1997 to cover residues expected to result from use during the period of conditional registration.

With respect to the additional use of tefluthrin on sweet corn, the Agency concluded that this additional use would not cause a significant increase in the risk of adverse effects to the environment. This conclusion was premised mainly on the following:

1. The directions for use and precautions for use of tefluthrin on sweet corn are identical to the current directions for use for tefluthrin on field and pop corn.

2. Current, interim aquatic risk mitigation measures approved for use on field and pop corn will also be used for application on sweet corn.

To be consistent with the conditional registration and renewal on field and pop corn the Agency is issuing a conditional registration with an expiration date of November 15, 1996 and establishing a time-limited tolerance on sweet corn and its forage and fodder with an expiration date of November 15, 1997 to cover residues expected to result from use during the period of conditional registration.

Upon evaluation of the additional data/information required as a condition of the registration for this insecticide on corn the Agency will reassess the tolerances and the registration, and if appropriate, will issue permanent tolerances and an unconditional registration for the insecticide on corn.

Residues remaining in or on the above commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the conditional registration.

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 tolerance established by amending 40 CFR part 180 will protect

the public health. Therefore, the tolerance 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 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).

A record has been established for this rulemaking under the docket number [PP 4F4406/R2222] (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.

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 rule-making 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. 9-354, 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).

In addition, this action does not impose any enforceable duty, or contain any "unfunded mandates" as described in Title II of the Unfunded Mandates Reform Act of 1995 (P.L. 104-4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

List of Subjects in 40 CFR Part 180

Environmental protection,
Administrative practice and procedure,

Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 4, 1996.

Susan Lewis,
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. By revising 180.440, and the table therein to read as follows:

§ 180.440 Tefluthrin; tolerances for residues.

Tolerances, to expire on November 15, 1997, are established for the combined residues of the insecticide tefluthrin (2,3,5,6-tetrafluoro-4-methylphenyl)methyl-(1-*alpha*, 3-*alpha*)-(Z)-(±)-3(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate and its metabolite (Z)3-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylic acid raw agricultural commodities:

Commodity	Parts per million
Corn, grain, field and pop	0.06
Corn, forage and fodder, field, pop and sweet	0.06
Corn, fresh (including sweet K and CWHR)	0.06

[FR Doc. 96-10917 Filed 5-2-96; 8:45 am]
BILLING CODE 6560-50-F

40 CFR Part 180

[OPP-300410A; FRL-5359-5]

Xanthan Gum-Modified, Produced by the Reaction of Xanthan Gum and Glyoxal; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document exempts xanthan gum-modified, produced by the reaction of xanthan gum and glyoxal (maximum 0.3% by weight) from the requirement of a tolerance when used as a surfactant in pesticide formulations. This regulation was requested by Rhone-Poulenc, Inc., pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA).

EFFECTIVE DATE: This regulations becomes effective on May 3, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [OPP-300410A], 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: oppdocket@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 [OPP-300410A]. 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: 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: In the Federal Register of February 7, 1996 (61 FR 4621) (FRL-4994-4), EPA issued a pesticide petition (PP) 2E04084 from Rhone-Poulenc, Inc., CN 7500, Cranbury, NJ 08512-7500, 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) by establishing an exemption from the requirement of a tolerance for xanthan gum, modified, produced by the reaction of xanthan gum and glyoxal (maximum 0.3% by weight) when used as a surfactant in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest.

There were no comments received in response to the proposed rule.

Based upon a review of the data submitted and a review of its use, 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 is exempting xanthan gum-modified, produced by the reaction of xanthan gum and glyoxal (maximum 0.3% by weight) from the requirement of a tolerance 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-300410A] (including any comments and data submitted electronically). A public