copy to Karl Simon or Dave Good at the address listed below.

FOR FURTHER INFORMATION CONTACT: Karl Simon at the U.S. EPA, 401 M Street S.W. (mail code 6405J), Washington D.C., 20460, telephone (202) 233–9299; or Dave Good at the U.S. EPA, 2565 Plymouth Rd, Ann Arbor, Michigan, 48105, telephone (313) 668–4450.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are retailers and wholesale purchaser-consumers of gasoline and methanol which handle over 10,000 gallons of fuel per month, for the purpose of refueling passenger cars and light-duty trucks. Regulated entities would include the following:

Category	Examples of regulated entities
Industry	Service station owners, service station managers, fleet managers who operate a refueling facility to refuel motor vehicles.
Federal Government	Federal facilities, including military bases, who operate a refueling facility to refuel motor vehicles.
State, Local and Tribal Governments	State, local and tribal governments who operate a refueling facilities to refuel motor vehicles.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the criteria contained in § 80.22(j) of title 40 of the Code of Federal Regulations, as modified by today's action. If you have questions regarding the applicability of this action to a particular entity, consult one of the persons listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

If no adverse comments are timely received, no further activity is contemplated in relation to this proposed rule and the direct final rule in the Final Rules section of this Federal Register will automatically go into effect on the date specified in that rule. If adverse comments are timely received on the direct final rule, the rule will be withdrawn and all public comment received on it will be addressed in a subsequent final rule based on this proposed rule. Because the Agency will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the rule revisions, see the information provided in the direct final rule in the Final Rules section of this Federal Register.

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Gasoline, Motor vehicle pollution.

Dated: June 12, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96–16204 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[OPP–300424; FRL–5368–7]

RIN 2070–AC18

Linuron; Proposed Revision of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA has completed the reregistration process and issued a Reregistration Eligibility Decision document (RED) for the herbicide linuron (3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea). In the reregistration process, all information to support a pesticide's continued registration is reviewed for adequacy and, when needed, supplemented with new scientific studies. This proposed action updates and corrects the tolerance actions indicated in the RED. Based on the RED, tolerance assessment for linuron, and subsequent comments and analyses, EPA is proposing to revise food tolerance levels, revoke some linuron tolerances, and to revise the tolerance expression for residues of linuron (40 CFR 180.184).

DATES: Written comments, identified by the docket number [OPP–300424], must be received on or before August 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, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. Information submitted and any comment(s) concerning this notice 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(s) 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 to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 1132 at the Virginia 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–300424]. No 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: Paul Parsons, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. By telephone: (703) 308–8037. Office location: Special Review Branch, Crystal Station #1, 3rd floor, 2800 Crystal Drive, Arlington, VA 22202, e-mail: parsons.paul@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Legal Authorization

The Federal Food, Drug, and Cosmetic Act (FFDCA) [21 U.S.C. 301 et seq.] authorizes the establishment of tolerances (maximum legal residue levels) and exemptions from the requirement of a tolerance for residues of pesticide chemicals in or on raw agricultural commodities pursuant to section 408 [21 U.S.C. 346(a)]. Without such tolerances or exemptions, a food containing pesticide residues is considered to be ''adulterated'' under section 402 of the FFDCA, and hence may not legally be moved in interstate commerce [21 U.S.C. 342]. To establish a tolerance or an exemption under section 408 of the FFDCA, EPA must make a finding that the promulgation of the rule would ''protect the public health'' [21 U.S.C. 346a(b)]. To establish food additive regulations (FARs) to cover pesticide residues in processed foods under section 409 of FFDCA, EPA must determine that the proposed use of the food additive will be safe (21 U.S.C. 348). For a pesticide to be sold, distributed, and used in the production of food crops, animals, or processed food, the pesticide must not only have appropriate tolerances or FARs under the FFDCA, but also must be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.). In 1988, Congress amended FIFRA and required EPA to review and reassess the potential hazards arising from currently registered uses of pesticides registered prior to November 1, 1984. As part of this process, the Agency must determine whether a pesticide is eligible for reregistration and if any subsequent actions are required to fully attain reregistration status. EPA has chosen to include in the reregistration process a reassessment of existing tolerances or exemptions from the need for a tolerance. Through this reassessment process, EPA can determine whether a tolerance must be amended, revoked, or established, or whether an exemption from the requirement of one or more tolerances must be amended or is necessary.

The procedure for establishing, amending, or repealing tolerances or exemptions from the requirement of tolerances is set forth in the Code of Federal Regulations at 40 CFR parts 177 through 180. The Administrator of EPA or any person may initiate an action proposing to establish, amend, revoke, or exempt a tolerance for a pesticide registered for food uses. Each petition or request for a new tolerance, an amendment to an existing tolerance, or a new exemption from the requirement of a tolerance must be accompanied by a fee or a request for a waiver of such fee. Current Agency policy on tolerance actions arising from the reregistration process is to administratively process some actions without requiring payment of a fee; this waiver of fees applies to revisions or revocations of established tolerances, and to proposed exemptions from the requirement of a tolerance if the proposed exemption requires the concurrent revocation of an established tolerance. Comments submitted in response to the Agency's published proposals are reviewed; the Agency then publishes its final determination regarding the specific tolerance actions.

II. Regulatory Background and Proposed Actions

A. Regulatory Background

The proposals described in this action follow the Agency's tolerance reassessment that was completed and included in the RED for linuron dated March 1995. While the reassessment determined that many tolerances established for linuron are adequate and supported by sufficient data, changes are needed to other linuron tolerances for various reasons, including: increasing or decreasing tolerances based on new data and revising commodity terminology, crop group designations, and definitions that are not in accordance with the revised crop group regulation (40 CFR part 180, 60 FR 26625, May 17, 1995) or with Table II of Subdivision O of the Pesticide Assessment Guidelines.

The section of the CFR to be amended by this document is § 180.184.

B. Proposed Actions

1. *Tolerance expression.* The tolerance expression under 40 CFR § 180.184 would be revised to: ''Tolerances are established for the combined residues of the herbicide linuron (3-(3,4-dichlorophenyl)-1-methoxy-1- methylurea) and its metabolites convertible to 3,4-dichloraniline, calculated as linuron....''.

The food tolerances currently listed in 40 CFR 180.184(a) and (b) are for residues of linuron per se. Plant and animal metabolism studies indicate the presence of unidentified metabolites of linuron that are hydrolyzed to 3,4-dichloroaniline (3,4-DCA) under the enforcement analytical method. Since the Agency believes in this case that the metabolites converted to 3,4-DCA are unlikely to be more toxic than the parent compound, and since the enforcement analytical method detects compounds convertible to 3,4-DCA, it is reasonable to express the tolerance as the combined residues of linuron and its metabolites convertible to 3,4-DCA. Because of the very low levels of 3,4-DCA found, the Agency has determined that 3,4-DCA poses no greater than a negligible risk in connection with the registered use of linuron and it is not necessary to regulate 3,4-DCA separately.

Adequate enforcement methods are available for the determination of linuron residues of concern in/on plant and animal tissues. The current enforcement methods determine linuron and all metabolites hydrolyzable to 3,4-DCA.

2. *Tolerance revocations.* The Agency proposes to revoke the tolerances for: barley, forage; barley, grain; barley, hay; barley, straw; corn, pop, fodder; corn, pop, forage; oats, forage; oats, grain; oats, hay; oats, straw; rye, forage; rye, grain; rye, hay; and rye, straw. There are no registered products for these uses, and it is the Agency's policy to revoke tolerances in such cases.

In addition, the Agency proposes to revoke the linuron tolerance for parsnips, tops. This commodity is no longer listed as a raw agricultural commodity of parsnips, since it has been determined to be an insignificant feed item (see Table II of Subdivision O of the Pesticide Assessment Guidelines).

3. *Revisions to tolerances and food and feed additive regulations.* The proposed increases and decreases in linuron tolerances are based on new data which indicate that a change is needed in the tolerances. To determine whether the proposed tolerance changes are protective of the public health, EPA considered all available health effects data. Dietary exposure resulting from the changes in this proposed action are protective of the public health and do not result in an unreasonable chronic or acute risk.

The reference dose (RfD) is established at 0.0077 mg/kg body weight/day based on a no-observed-effect-level (NOEL) of 0.77 mg/kg body weight/day for hematological changes and is derived from a 1–year chronic toxicity study in dogs. An uncertainty factor of 100 was used to account for interspecies extrapolation and intraspecies variability. Chronic dietary exposure to the general population with existing and proposed tolerances utilize only 2 percent of the RfD. For the two subgroups with the highest exposures, non-nursing infants less than 1 year old and children 1 through 6 years, residues are expected to utilize 6 percent and 4 percent of the RfD, respectively.

The acute dietary toxicological endpoint is based on a NOEL of 25 mg/

kg body weight/day, derived from a developmental toxicity study in rabbits. Acute, high-end, exposure to women of childbearing age (females 13 years of age or older) results in a Margin of Exposure (MOE) of 1,667 for developmental toxicity. The Agency generally considers an MOE of 100 adequate to protect the public health. Thus, dietary exposure to linuron is not expected to result in an unreasonable acute effect.

The Agency considers that linuron ''induces cancer'' within the meaning of section 409 of the FFDCA, based on a dose-related increase in interstitial cell hyperplasia and adenomas in a two–year rat feeding study, and hepatocellular tumors in a two–year mouse feeding study. However, the Agency believes that the weight of evidence for the carcinogenic potential of linuron in humans is weak and it should not be regulated using a linearized multi-stage risk assessment model. Therefore, no quantitative assessment of the dietary cancer risk has been conducted for linuron; however, such risk is considered to be negligible.

The following section describes the proposed substantive changes in the linuron tolerances for food or feed additive regulations.

a. *Field corn grain.* EPA has reviewed new data analyzed by a method with a lower level of quantitation (0.05 ppm). These data support a lower linuron tolerance on field corn grain. The Agency therefore proposes to lower the linuron tolerance on field corn grain from 0.25 ppm to 0.1 ppm.

b. *Field corn fodder (stover).* The Agency proposes to increase the tolerance on corn, field, fodder from 1 ppm to 6 ppm. A review of data based on residue trials indicated the presence of residues ranging from 0.1 to 5.5 ppm.

c. *Livestock commodities.* For meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep, the established tolerances are set at 1.0 ppm. Based on its review of data on residues of linuron in these commodities, which show that residues in meat, fat, and meat byproducts (except kidney and liver) are at least an order of magnitude lower than previously believed, the Agency proposes to lower the current tolerances for the meat, fat, and meat byproducts (excluding liver and kidney) of cattle, goats, hogs, horses, and sheep to 0.1 ppm, and to establish tolerances for the liver and kidney of cattle, goats, hogs, horses, and sheep at 1.0 ppm.

d. *Potatoes.* The Agency proposes to reduce the tolerance on potatoes from 1 ppm to 0.2 ppm. Residue data submitted to support reregistration of the potato use support this reduction.

e. *Wheat.* EPA has reviewed new data using an analytical method with a lower level of quantitation (0.05 ppm). These data support a lower linuron tolerance, and therefore the Agency proposes to lower the linuron tolerance on wheat grain from 0.25 ppm to 0.1 ppm. The Agency also proposes to raise the linuron tolerance on wheat straw from 0.5 ppm to 2.0 ppm based on a reassessment of residue data which showed residues of up to 2 ppm on wheat straw.

4. *Changes from the RED—a. Food additive regulations related to potatoes.* The RED stated that food and feed additive regulation petitions (409 tolerances) would be required for potatoes, granules; potatoes, chips; and potatoes, waste from processing. As a result of the revised Agency policy (60 FR 31300, June 14, 1995) or with Table II of Subdivision O concerning when a food or feed additive regulation is needed, the Agency has re-examined its decision in the Linuron RED on food or feed additive regulations for potato-related commodities. EPA has also considered new data on residue levels of linuron in potatoes submitted to support reregistration. These data show that residues of linuron in potato processed commodities are unlikely to exceed the section 408 tolerance. Therefore, food or feed additive regulations are not needed for these commodities.

b. *Sorghum.* The tolerance for linuron residues on sorghum grain should remain at 0.25 ppm rather than be lowered to 0.2 ppm as proposed in the RED. Field studies show that residues are close to the current tolerance level of 0.25 ppm.

c. *Wheat, hay, and corn, sweet, fodder.* In the RED, the Agency stated that the linuron tolerances for wheat, hay, and corn, sweet, fodder, should be revoked, since these commodities were no longer raw agricultural commodities. However, these commodities are listed as RACs in updated versions of Table II of Subdivision O of the Pesticide Assessment Guidelines. Consequently, the Agency will not propose to revoke the associated tolerances since these tolerances are needed.

5. *Reassessment of tolerances for uses with outstanding data requirements.* In the RED, the Agency has required additional studies to support reassessment of tolerances for: corn, field, grain; corn, field, fodder; corn, field, forage; corn, sweet (K + CWHR); corn, sweet, forage; sorghum, fodder; sorghum, forage; soybeans, forage; soybeans, hay; and wheat, forage. EPA will reassess these tolerances once the required data have been submitted and reviewed. Two registrants for the cotton use have requested voluntary cancellation of this use, but other registrants may support the use. If the use is supported, the Agency will require a processing study to support reassessment of the tolerance for cottonseed; if the use is not supported, the Agency will propose to revoke the cottonseed tolerance. In addition, data to support establishing a tolerance for aspirated grain fractions for field corn are outstanding; and data are needed to support tolerances for corn, sweet, stover and wheat, hay.

6. *Revising commodity definitions.* Current linuron tolerances include commodity terminology, Crop Group designations, or definitions that are not in accordance with the revised Crop Group Regulation (40 CFR part 180, 60 FR 26625, May 17, 1995) or with Table II of Subdivision O of the Pesticide Assessment Guidelines. Most of these changes are slight, and not likely to result in any confusion; the exception is corn fodder, which has been changed to corn stover for both field and sweet corn. The amendments at the end of this notice show all changes in commodity terminology.

III. Public Comment Procedures

EPA invites interested persons to submit written comments, information, or data in response to this proposed rule. Comments must be submitted by August 26. 1996. Comments must bear a notation indicating the document control number. Three copies of the comments should be submitted to either location listed under ADDRESSES.

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 proposed rule 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 number [OPP–300424] (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 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 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.

IV. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 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 entitlements, 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 this Executive Order, it has been determined that this rule is not a ''significant regulatory action,'' because it does not meet any of the regulatory-significance criteria listed above.

B. Regulatory Flexibility Act

This proposed rule has been reviewed under the Regulatory Flexibility Act of 1980 [Pub. L. 96–354; 94 Stat. 1164, 5 U.S.C. 601 et seq.] and EPA has determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations.

Accordingly, I certify that this proposed rule does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

C. Paperwork Reduction Act

This proposed regulatory action does not contain any information collection requirements subject to review by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

D. Unfunded Mandates Reform Act

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 (Pub. 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 consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

List of Subjects in 40 CFR Part 180

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

Dated: June 11, 1996.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR, chapter I, part 180 is proposed to 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 180.184 is revised to read as follows:

§ 180.184 Linuron, tolerances for residues.

(a) Tolerances are established for the residues of the combined residues of the herbicide linuron (3-(3,4-dichlorophenyl)- 1-methoxy-1-methylurea) and its metabolites convertible to 3,4- dichloroaniline, calculated as linuron, in or on the following raw agricultural commodities:

Commodity	Parts per million
Asparagus	7
Carrot	1
Cattle, fat	0.1
Cattle, kidney	1
Cattle, liver	1
Cattle, meat	0.1
Cattle, mbyp (except liver and kidney)	0.1
Celery	0.5
Corn, field, forage	0.1
Corn, field, grain	0.1
Corn, field, stover	6
Corn, sweet (K+CWHR)	0.25
Corn, sweet, forage	1
Corn, sweet, stover	1
Cottonseed	0.75
Goats, fat	0.1
Goats, kidney	1
Goats, liver	1
Goats, meat	0.1
Goats, mbyp (except liver and kidney)	0.1
Hogs, fat	0.1
Hogs, kidney	1
Hogs, liver	1
Hogs, meat	0.1
Hogs, mbyp (except liver and kidney)	0.1
Horses, fat	0.1
Horses, kidney	1
Horses, liver	1
Horses, meat	0.1
Horses, mbyp (except liver and kidney)	0.1
Parsnips, roots	0.5
Potatoes	0.2
Sheep, fat	0.1
Sheep, kidney	1
Sheep, liver	1
Sheep, meat	0.1
Sheep, mbyp (except liver and kidney)	0.1
Sorghum, fodder	1
Sorghum, forage	1
Sorghum, grain	0.25
Soybeans	1
Soybeans, forage	1
Soybeans, hay	1
Wheat, forage	0.5
Wheat, grain	0.1
Wheat, hay	0.5
Wheat, straw	2.0

(b) Tolerances with regional registration, as defined in § 180.1(n) are established for the residues of the combined residues of the herbicide linuron (3-(3,4-dichlorophenyl)-1-methoxy-1- methylurea) and its metabolites convertible to 3,4-dichloroaniline, calculated as linuron, in or on the following raw agricultural commodities:

Commodity	Parts per million
Parsley	0.25

[FR Doc. 96–15597 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F