

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

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submitted as an ASCII file avoiding the
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in paper form. Accordingly, EPA will
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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

Commodity	Parts per million
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

40 CFR Part 180

[PP-5E4472/P667; FRL-5378-2]

RIN 2070-AC18

Copper 8-quinolinolate; Proposed Tolerance Exemption**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: This document proposes that residues of copper 8-quinolinolate (CAS Reg. No. 10380-28-6) be exempted from the requirement of a tolerance when used as an inert ingredient (preservative) in pesticidally treated paper products used on growing crops. This proposed regulation was requested by American Agricultural Services Inc., pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: Comments, identified by the docket number [PP 5E4472/P667], must be received on or before July 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. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this document 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 that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is 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 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [PP 5E4472/P667]. 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: 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: American Agricultural Services, Inc., 404 E. Chatham St., Cary, NC 27511, has submitted pesticide petition (PP) 5E4472 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(d) by establishing an exemption from the requirement of a tolerance for copper 8-quinolinolate (CAS Reg. No. 10380-28-6) when used as an inert ingredient (preservative) in pesticidally treated paper products used on growing crops under 40 CFR 180.1001(d).

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 copper 8-quinolinolate will need to be submitted. The rationale for this decision is described below:

1. Copper 8-quinolinolate is cleared by the U.S. Food and Drug Administration (FDA) as an indirect food additive for use as a component in food packaging adhesives [21 CFR 175.105(c)]; in paper and paperboard in contact with aqueous and fatty foods (21 CFR 176.170); and in paper and paperboard in contact with dry foods (21 CFR 176.180).

2. Copper 8-quinolinolate is currently registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as a fungicide/preservative for (a) wood treatment including food contact surfaces, for fruit and vegetable, food and feed containers, and bushel baskets to protect the wood against mold, mildew, wood rot/decay fungi and wood stain fungi; (b) agricultural paper mulch to protect against mildew, fungal rot/decay (c) potato storage, handling, cutting and planting equipment to protect against bacterial ring rot; and (d) for fabric, cardboard and paper to protect against mold/mildew.

3. The toxicity data available from the open literature indicates that copper 8-quinolinolate has a moderate acute toxicity in mice when administered by intraperitoneal injection; it gave negative results in a limited mice oral carcinogenicity studies; and has weak mutagenicity in a bacterial Ames test.

Based on the expected low exposure and the similarity of the proposed use pattern to the existing use, as an indirect food additive, already approved by the FDA, and as an active ingredient registered under FIFRA as preservative for wood, cardboard and paper intended for storage and handling potatoes, fruits and vegetables, and the available toxicology data, the 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 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 FFDCFA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the docket number, [PP 5E4472/P667].

A record has been established for this rulemaking under docket number [PP 5E4472/P667] (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 Virginia 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.

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). Pursuant to the requirements of the Regulatory Flexibility Act (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 explaining the factual basis for this determination 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: June 12, 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 § 180.1001 the table in paragraph (d) is amended by adding alphabetically the inert ingredient Copper 8-quinolinolate (CAS Reg. No. 10380-28-6), to read as follows:

§ 180.1001 Exemptions from the requirements of a tolerance.

*	*	*	*	*
(d) *	*	*	*	

Inert Ingredients	Limits	Uses
* * *	* * *	* *
Copper 8-quinolinolate (CAS Reg. No. 10380-28-6) ...	Not to exceed 4% by weight of pesticide formulation.	Preservative in pesticidally treated paper.
* * *	* * *	* *

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[FR Doc. 96-16334 Filed 6-25-96; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL MARITIME COMMISSION

46 CFR Part 540

[Docket No. 94-06]

Financial Responsibility Requirements for Nonperformance of Transportation

AGENCY: Federal Maritime Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: The Federal Maritime Commission proposes to remove its current \$15 million coverage ceiling for nonperformance of transportation by

passenger vessel operators. The Commission would replace the ceiling with sliding-scale coverage requirements keyed to passenger vessel operators' financial rating, length of operation in United States trades and satisfactory explanation of claims for nonperformance of transportation. For self-insuring passenger vessel operators, the Commission proposes to reestablish a working capital requirement and to require third-party coverage for 25 percent of unearned passenger revenue. In order to clarify that the escrow agreement is for the exclusive benefit of passengers' deposits and prepaid fares, the Commission proposes revising the form escrow agreement it publishes as a guideline for the industry. The Commission also proposes to require applications for Certificates (Performance) to be filed at least 90 days

in advance of the arranging, offering, advertising or providing of water transportation or tickets in connection therewith, unless good cause is shown. Finally, the Commission again solicits suggestions for other alternatives to consider under its Public Law 89-777 program, as well as suggestions for scheduling the phasing-in of the proposed rule's revised coverage requirements. These changes are deemed necessary to enhance the travelling public's protection against nonperformance of transportation.

DATES: Comments due on or before August 26, 1996.

ADDRESSES: Send comments (original and 15 copies) to: ¹ Joseph C. Polking,

¹ The Commission also requests, but does not require, that commenters submit an electronic copy
Continued