

delegation of section 112 standards that are unchanged from federal standards as promulgated. This program for delegations only applies to sources covered by the part 70 program.

Additionally, EPA is promulgating approval of Maryland's operating permits program, under the authority of title V and part 70 for the purpose of implementing section 112(g) to the extent necessary during the transition period between promulgation of the federal section 112(g) rule and adoption of any necessary state rules to implement EPA's section 112(g) regulations. However, since this approval is for the purpose of providing a mechanism to implement section 112(g) during the transition period, the approval of the operating permits program for this purpose will be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until state regulations are adopted. Although section 112(l) generally provides the authority for approval of state air toxics programs, title V and section 112(g) provide authority for this limited approval because of the direct linkage between implementation of section 112(g) and title V. Unless the federal section 112(g) rule establishes a specific time frame for the adoption of state rules, the duration of this approval is limited to 18 months following promulgation by EPA of section 112(g) regulations, to provide the state with adequate time to adopt regulations consistent with federal requirements.

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action to grant interim approval of Maryland's operating permits program pursuant to title V of the CAA and 40 CFR part 70 does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

EPA has determined that this action, promulgating interim approval of Maryland's operating permits program, does not include a federal mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under state or local law, and imposes no new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector result from this action.

List of Subjects in 40 CFR Part 70

Environmental Protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, and Reporting and recordkeeping requirements.

Dated: June 19, 1996.  
W. Michael McCabe,  
Regional Administrator.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

**PART 70—[AMENDED]**

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by adding the entry for Maryland in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

\* \* \* \* \*

Maryland

(a) Maryland Department of the Environment: submitted on May 9, 1995; interim approval effective on August 2, 1996; interim approval expires August 3, 1998.

(b) Reserved

\* \* \* \* \*

[FR Doc. 96-17020 Filed 7-3-96; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 180**

[OPP-300420A; FRL-5381-5]

RIN 2070-AB78

**Potassium Citrate; Tolerance Exemption**

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

**ACTION:** Final rule.

**SUMMARY:** This document establishes an exemption from the requirement of a tolerance for residues of potassium citrate (CAS Reg. No. 866-84-2), when used as an inert ingredient (chelating agent and pH control) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest and animals. This regulation was requested by Monsanto Company and Zeneca Ag Products, pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA).

**EFFECTIVE DATE:** This regulation becomes effective July 3, 1996.

**ADDRESSES:** Written objections, identified by the document control

number, [OPP-300420A] 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 request 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.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: [opdocket@epamail.epa.gov](mailto:opdocket@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-300420A]. No "Confidential Business Information" (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 and telephone number: Westfield Building North, 6th Fl., 2800 Crystal Drive, Arlington, VA 22202, (703) 308-8375; e-mail: [acierto.amelia@epamail.epa.gov](mailto:acierto.amelia@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Federal Register of April 10, 1996 (61 FR 15915), EPA issued a proposed rule (FRL-5361-2) gave notice that Monsanto Company, 700 14th Street, NW., Washington, DC 20005 had submitted pesticide petition (PP) 6E4607 and Zeneca Ag Products, 1800 Concord Pike, Wilmington, DE 19850-5458 had submitted pesticide petition (PP) 6E4637 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 establishing an exemption from the requirement of a tolerance for residues of potassium citrate (CAS Reg. No. 866-84-2) when used as an inert ingredient (chelating agent and pH control) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest and 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.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted relevant to 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 exemption will protect the public health. Therefore, the tolerance exemption 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 and/or request a hearing 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 a 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 docket number [OPP-300420A] (including objections and hearing requests 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 public 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 1B2, 1921 Jefferson Davis Highway, Arlington, VA.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at:

opp-docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk 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.

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.

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).

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is (is not) a "major rule" as defined by 5 U.S.C. 804(2) of the APA as amended.

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 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: June 24, 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 the table to paragraph  
(c) and (e) is amended by adding

alphabetically the inert ingredient, to  
read as follows:

**§ 180.1001 Exemptions from the  
requirement of a tolerance.**

\* \* \* \* \*  
(c) \* \* \*

Inert ingredients	Limits	Uses
Potassium citrate (CAS Reg. No. 866-84-2) .....	* * *	* * Chelating agent, pH control
* * *	* * *	* *

(e) \* \* \*

Inert ingredients	Limits	Uses
Potassium citrate (CAS Reg. No. 866-84-2) .....	* * *	* * Chelating agent, pH control
* * *	* * *	* *

[FR Doc. 96-16859 Filed 7-2-96; 8:45 am]  
BILLING CODE 6560-50-F

**40 CFR Part 180**  
**[OPP-300419A; FRL-5381-2]**  
**RIN 2070-AB78**

**Pentaerythritol Stearates; Tolerance  
Exemption**

**AGENCY:** Environmental Protection  
Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** This document establishes an  
exemption from the requirement of a  
tolerance for residues of a mixture of  
chemicals known as pentaerythritol  
stearates (CAS Reg. No. 85116-93-4),  
which include pentaerythritol  
monostearate (CAS Reg. No. 78-23-9),  
pentaerythritol distearate (CAS Reg. No.  
13081-97-5), pentaerythritol tristearate  
(CAS Reg. No. 28188-24-1), and  
pentaerythritol tetrastearate (CAS Reg.  
No. 115-83-3) when used as an inert  
ingredient (emulsifier) at a  
concentration of no more than 25 ppm  
in pesticide formulations applied to  
growing crops and to raw agricultural  
commodities after harvest. This  
regulation was requested by Wacker  
Silicones Corporation, pursuant to the  
Federal Food, Drug, and Cosmetic Act  
(FFDCA).

**EFFECTIVE DATE:** This regulation  
becomes effective July 3, 1996.

**ADDRESSES:** Written objections,  
identified by the docket number, [OPP-  
300419A] 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 docket 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 request  
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.

A copy of objections and hearing  
requests filed with the Hearing Clerk  
may also be submitted electronically by  
sending electronic mail (e-mail) to: opp-  
docket@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 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-300419A). No "Confidential  
Business Information" (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 and telephone number:  
Westfield Building North, 6th Fl., 2800  
Crystal Drive, Arlington, VA 22202,  
(703) 308-8375; e-mail:  
acierto.amelia@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the  
Federal Register of April 17, 1996 (61  
FR 16747), EPA issued a proposed rule  
(FRL-5355-7), gave notice that Wacker  
Silicones Corporation, 3301 Sutton  
Road, Adrian, Michigan 49221-9397  
had submitted pesticide petition (PP)  
4E4378 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) by establishing an  
exemption from the requirement of a  
tolerance for residues of a mixture of  
chemicals known as pentaerythritol  
stearates (pentaerythritol monostearate  
(CAS Reg. No. 78-23-9), pentaerythritol  
distearate (CAS Reg. No. 13081-97-5),  
pentaerythritol tristearate (CAS Reg. No.  
28188-24-1) and pentaerythritol  
tetrastearate (CAS Reg. No. 115-83-3)  
when used as an inert ingredient  
(emulsifier) in pesticide formulations  
applied to growing crops or to raw  
agricultural commodities after harvest.