

Inert Ingredient	Limits	Uses
Maleic anhydride-dissobutylene copolymer, sodium salt (CAS Reg. No. 37199-81-8), average molecular weight (in amu) 18,000..	*	Suspending agent and dispersing agent.

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40 CFR Part 180

[PP 6E4644/P668; FRL-5380-5]

RIN 2070-AC18

Polyvinylpyrrolidone Butylated Polymer; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish an exemption from the requirement of a tolerance for residues of polyvinylpyrrolidone butylated polymer when used as an inert ingredient (surfactants, related adjuvant of surfactants and binder) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, and applied to animals. This proposed regulation was requested by International Specialty Products.

DATES: Written comments, identified by the document control number [PP 6E4644/P668], must be received on or before August 9, 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 Hwy., Arlington, VA 22202. 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. All written comments will be available for public inspection in Rm. 1132 at the 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 6E4644/P668]. 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 in the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: By mail: Bipin Gandhi, Registration Support Branch, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, 6th Floor, Arlington, VA 22202, 703-308-8380, e-mail: gandhi.bipin@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: International Specialty Products, 1361 Alps Road, Wayne, NJ 07470, submitted pesticide petition (PP) 6E4644 to EPA requesting that the Administrator,

pursuant to section 408(e) of the Federal Food Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 346 a(e)), propose to amend 40 CFR 180.1001(c) and (e) by exempting polyvinylpyrrolidone butylated polymer (CAS No. 26160-96-3) when used as an inert ingredient (surfactants, related adjuvant of surfactants and binder) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest, under 40 CFR 180.1001(c) and applied to animals under 40 CFR 180.1001(e) and deleting the current exemption from the requirement of a tolerance under 40 CFR 180.1001(d) for application to growing crops only. 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 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 polyvinylpyrrolidone butylated polymer will need to be submitted. The rationale for this decision is described below.

In the case of certain chemical substances that are defined as "polymers," the Agency has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. Polyvinylpyrrolidone, butylated polymer conforms to the definition of polymer given in 40 CFR 723(b) and meets the following criteria that are used to identify low risk polymers:

1. Polyvinylpyrrolidone, butylated polymer is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. Polyvinylpyrrolidone, butylated polymer contains as an integral part of its composition the atomic elements carbon, hydrogen, oxygen, and nitrogen.

3. Polyvinylpyrrolidone, butylated polymer does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(2)(ii).

4. Polyvinylpyrrolidone, butylated polymer is not designed, nor is it reasonably anticipated to substantially degrade, decompose or depolymerize.

5. Polyvinylpyrrolidone, butylated polymer is not manufactured or imported from monomers and /or other reactants that are not already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The minimum number-average molecular weight of polyvinylpyrrolidone, butylated polymer is listed as 9,569 daltons. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the skin or GI tract

generally are incapable of eliciting a toxic response.

7. Polyvinylpyrrolidone, butylated polymer has a number average molecular weight of 9,569 and contains less than 10 percent oligomeric material below molecular weight 500 and less than 25 percent oligomeric material below 1,000 molecular weight.

8. Polyvinylpyrrolidone, butylated polymer does not contain reactive functional groups that are intended or reasonably anticipated to undergo further reaction. Based on the above information and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful and tolerance is not necessary to protect the public health and to reclassify this product from 40 CFR 180.1001(d) to 40 CFR 180.1001(c) and (e). Therefore, EPA proposes that the exemptions from the requirement of a tolerance be established for this polymer 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, that contains any of the ingredients listed herein, may request within 30 days after the publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 6E4644/P668].

A record has been established for this rulemaking under docket number [PP 6E4644/P668] (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 12, 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 be placed in the paper copies of the official rulemaking record which also will include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in the "ADDRESSES" at the beginning of this document.

The Office of Management and Budget has exempted this rule from the requirements of section 2 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).

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 requirement 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 an economic impact on a substantial number of small entities. A certification statement explaining the basis for this determination was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subject in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additives, Pesticides and pests, Processed foods, Reporting and recordkeeping requirements.

Dated: July 2, 1996.

Peter Caulkins,
Acting 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
(c) and (e) is amended by adding
alphabetically the inert ingredient, to

read as set forth below, and the table in
paragraph (d) is amended by removing
the entry for "Polyvinylpyrrolidone
butylated," follows:

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

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

Inert Ingredient	Limits	Uses
Polyvinylpyrrolidone butylated polymer, minimum number-average molecular weight (in amu) 9,500.		Surfactants, related adjuvant of surfactants and binder.

(e) * * *

Inert Ingredient	Limits	Uses
Polyvinylpyrrolidone butylated polymer, minimum number-average molecular weight (in amu) 9,500.		Surfactants, related adjuvant of surfactants and binder.

[FR Doc. 96-17577 Filed 7-9-96; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4700

[NV-960-1060-00-24 1A]

RIN 1004-AC61

**Adoption Fee for Wild Free-Roaming
Horses and Burros**

AGENCY: Bureau of Land Management,
Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land
Management (BLM) proposes to revise
the procedure used to set adoption fees
for Wild Horses and Burros to allow use
of competitive methods. The purpose of
the amendment is to allow BLM more
flexibility in establishing adoption fees
and to recover a higher proportion of the
associated cost.

DATES: You must submit comments by
September 9, 1996. Comments received
or postmarked after this date may not be
considered in the decision making
process on the issuance of the final rule.

ADDRESSES: You must submit comments
or suggestions to: Director (420), Bureau
of Land Management, 1849 C Street NW,
401 LS, Washington, DC 20240.

Comments can also be sent to Internet:
WOCComment@WO0033wp.wo.blm.gov.
Please include "attn: AC61" and your
name and address in your internet
message. Comments will be available for
public review at 1620 L Street NW,
Room 401, Washington, DC 20036,
during regular business hours (7:45 am
to 4:15 pm), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Lili
Thomas, Wild Horse and Burro National
Program Office (702) 785-6457 or Bob
Barbour, Regulatory Management Team
(202) 452-7785.

SUPPLEMENTARY INFORMATION:

I. Discussion of Proposed Rule

In the 1950's a group concerned with
the welfare of America's diminishing
wild horse herds formed under the
leadership of Velma Bronn Johnson.
Better known as "Wild Horse Annie,"
this woman from Nevada, along with
many others, worked to ensure a place
for wild horses and burros on Federal
rangelands.

In 1971, Congress passed The Wild
Free Roaming Horse and Burro Act
recognizing these animals as an integral
part of the natural system they inhabited
at the time of passage. In 1973, BLM
began a program that offered animals for
"adoption" to qualified private
individuals who agree to provide them
humane treatment. The Adopt a Horse
or Burro Program has placed over
141,000 animals in private care.

The existing adoption fee of \$125 for
wild horses and \$75 for wild burros was
implemented in 1982 to recapture a
portion of the adoption cost, limit
adoption to individuals with financial
ability to care for the adopted animal,
and assure that every animal was
adopted as quickly as practical after its
removal from public lands. The
adoption fee was originally set using the
market price of horses in 1982. In the
early 1980's the value of horses and
burros was low because of an
overabundance of these animals in the
market. Currently the market value of
the lowest quality domestic horse is
about \$300, well above the fee BLM
charges. Additionally since 1982 the
cost BLM incurs to feed, provide
veterinary care and transport wild
horses and burros has increased
significantly.

Because of the low adoption fee, there
is a significant economic incentive for
adopters to sell their animals when they
receive title. In addition, the low fee
encourages adoption by individuals
who are not financially able to provide
proper care. Placement of wild horses
and burros to these individuals often
results in animals not receiving proper
care and later having to be repossessed.

As explained within, BLM is
proposing a more flexible approach to
adoption fees to deal with this situation.
Under this adoption system horses and
burros would be offered to the public at