Inert ingredients	Limits	Uses
N-Methyl-*N*-(1-oxotetradecyl) glycine, sodium salt (CAS Reg. No. 30364–51–3)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * * *	*	
N-Myristoyl sarcosine (CAS Reg. No. 52558–73–3)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * * *	*	
N-Oleoyl sarcosine (CAS Reg. No. 110–25–8)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * * *	*	
N-Stearoyl sarcosine (CAS Reg. No. 142–48–3)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * * *	*	

* * * * * (e) * * *

Inert ingredients	Limits	Uses
* * * * * *	*	
N-Cocoyl sarcosine mixture (CAS Reg. No. 68411–97–2) [composed of *N*-methyl-*N*-(1-oxooctyl) glycine, *N*-methyl-*N*-(1-oxodecyl) glycine, *N*-methyl-*N*-(1-oxododecyl) glycine, *N*-methyl-*N*-(1-oxotetradecyl) glycine, (*N*-methyl-*N*-(1-oxohexadecyl) glycine and *N*-methyl-*N*-(1-oxooctadecyl)glycine.	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
N-Cocoyl sarcosine, sodium salt mixture (CAS Reg. No. 61791–59–1)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * * *	*	
N-Lauroyl sarcosine (CAS Reg. No. 97–78–9)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * * *	*	
N-Methyl-*N*-(1-oxododecyl) glycine, sodium salt (CAS Reg. No. 137–16–6)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
N-Methyl-*N*-(1-oxo-9-octadecenyl) glycine, sodium salt CAS Reg. No. 3624–77–9)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
N-Methyl-*N*-(1-oxooctadecyl) glycine, sodium salt (CAS Reg. No. 5136–55–0)	Not to exceed 10% by weight of pesticide formulation.	
N-Methyl-*N*-(1-oxotetradecyl) glycine, sodium salt (CAS Reg. No. 30364–51–3)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * * *	*	
N-Myristoyl sarcosine (CAS Reg. No. 52558–73–3)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * * *	*	
N-Oleoyl sarcosine (CAS Reg. No. 110–25–8)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * * *	*	
N-Stearoyl sarcosine (CAS Reg. No. 142–48–3)	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * * * *	*	

[FR Doc. 96–18388 Filed 7–23–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 3E4254/P658; FRL–5371–2]

Polybutene; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that an exemption from the requirement of a tolerance be established for residues of polybutene, when used as an inert ingredient (sticker and spreading agent) in pesticide formulations applied to growing crops only. This proposed regulation was requested by Miller Chemical and Fertilizer Corporation pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA). This proposed time-limited exemption from the requirement of a tolerance will expire 2 years and 9 months after promulgation of the final rule in the Federal Register.

DATES: Comments, identified by the docket control number [PP 3E4254/P658], must be received on or before August 23, 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, Crystal Mall #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 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 3E4254/P658]. 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: Mary Waller, 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) 308–8320, e-mail: waller.mary@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Miller Chemical and Fertilizer Corporation, P.O. Box 333, 120 Radio Road, Hanover, PA 17331, has submitted pesticide petition (PP) 3E4254 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 residues of polybutene, when used as an inert ingredient (sticker and spreading agent) in pesticide formulations applied 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 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 results of the data and evaluations are described below:

1. Acute toxicity data indicated the following: acute oral toxicity studies established LD_{50} values ranging from 5,000 mg/kg to 12,000 mg/kg; an acute dermal toxicity study demonstrated no systemic toxicity; primary eye irritation studies demonstrated minimal eye irritation; a primary skin irritation study demonstrated no dermal irritation; and a dermal sensitization study was negative.

2. A 90–day rat oral toxicity study established the systemic toxicity no-observed-effect level (NOEL) of > 2,500 mg/kg/day.

3. A gene mutation test in cultured/chinese hamster ovary cell strain AS52 CHO/XPRT showed no evidence of cytotoxicity or mutagenicity up to a concentration of 1.0 μg/plate.

4. An *in vivo* mammalian marrow cytogenetic test using mice indicated no increased incidence of micronucleated polychromatic erythrocytes.

5. The Structural Activity Team (SAT) of the Office of Pollution Prevention, and Toxics (OPPT) evaluated this inert ingredient based on the physico-chemical characteristics submitted by the petitioner and the validated data. The SAT stated that no absorption was expected through any exposure route, and the health effects of this inert ingredient are of low concern. The SAT concluded that exposure to the inert ingredient was not expected to result in any significant health effects.

6. An avian acute oral toxicity study established an LD_{50} > 2,150 mg/kg and an avian subacute dietary toxicity study established an LC_{50} > 5,000 ppm.

7. Exposure to aquatic environments is considered unlikely based on the poor solubility and sticky physical characteristic of the inert ingredient.

8. The inert ingredient is expected to degrade via photochemical reactions followed by microbial co-metabolism of the photochemical products. Leaching is not expected because of the inert ingredient's relative insolubility in water and tendency to adhere to surfaces as a film.

The Agency does not expect exposure to polybutene to pose a risk to the public health based on the toxicological profile which indicates a lack of mutagenicity, the extremely low acute and subchronic toxicity, and the SAT evaluation which indicated that no absorption was expected via any exposure route and therefore, exposure to this inert ingredient would not result in any significant health effects. The Agency has concluded that ecological effects are minimal based on the extremely low avian toxicity, and the unique physico-chemical characteristics which also attributed to the low environmental concern.

Based upon the above information and review of its use, the Agency has found that, when used in accordance with good agicultural practices, this inert 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.

The Agency has decided to add a separate section to part 180 instead of amending § 180.1001(d) as proposed by the petitioner. This change is being made because this is a time-limited exemption from the requirement of a tolerance and it would not fit well in the table format of paragraph (d). In addition, this exemption from the requirement of a tolerance is being proposed as a time-limited exemption because the Agency does not have data for two required studies: A 90–day feeding study in dogs and a developmental toxicity study in rodents. These studies are being required because they are part of the base set data

requirements. The Agency will require that the above studies be submitted within 2 years of the date of promulgation of the final rule in the Federal Register. When the Agency receives these studies, it will reassess this exemption from the requirement of a tolerance. However, based upon the data considered in support of the petition and the restriction on exposure offered by a time limitation, the Agency does not believe that this proposed exemption from the requirement of a tolerance poses a risk to human health or the environment.

Upon adoption, this exemption from the requirement of a tolerance will expire 2 years and 9 months after promulgation of the final rule in the Federal Register. Residues will not be considered actionable if a pesticide containing this inert ingredient is legally applied during the term of a conditional registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, and in accordance with the acceptable labeling under a conditional registration. This exemption from the requirement of a tolerance will be revoked if any data indicate such revocation is necessary to protect the public health.

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 FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the docket control number, [PP 3E4254/P658]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch.

A record has been established for this rulemaking under docket number [PP 3E4254/P658] (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.

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 inert ingredient 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: July 5, 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. Section 180.1168 is added to subpart D to read as follows:

§ 180.1168 Polybutene; exemption from the requirement of a tolerance.

A time-limited exemption from the requirement of a tolerance is established for residues of polybutene (CAS Reg. No. 9003–29–6), molecular weight (in amu) 320 or greater, not to exceed 35 percent of the pesticide formulation when used as an inert ingredient (sticker and spreading agent) in pesticide formulations applied to growing crops only. This time-limited exemption from the requirement of a tolerance will expire on April 26, 1999.

[FR Doc. 96–18391 Filed 7–23–96; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 180

[PP 5F4508/P673; FRL–5385–2]

RIN 2070–AC18

Avermectin B1 and Its Delta-8,9-Isomer; Proposed Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: EPA proposes to establish a tolerance for combined residues of the insecticide Avermectin B_1 and its delta-8,9-isomer in or on the raw agricultural commodity potatoes. The proposed regulation to establish a maximum permissible level for residues of the insecticide was requested in a petition submitted by the Merck Research Laboratories, Division of Merck Co., Inc.

DATES: Comments, identified by the docket number [PP 5F4508/P673], must be received on or before August 23, 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 Highway, Arlington, VA 22202. Information submitted as a comment 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