writing to the Waterways Oversight Branch at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it is determined that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Poughkeepsie Yacht Club has requested the disestablishment of the special anchorage located at mile 72.7 on the east bank of the Hudson River, at Hyde Park, NY. This special anchorage is described in 33 CFR § 110.60, paragraph (p–3). Special anchorages are areas of water in which vessels of not more than 65 feet in length may anchor without exhibiting anchor lights. The Poughkeepsie Yacht Club lies adjacent to this special anchorage and is its principal user. However, the Poughkeepsie Yacht Club has requested disestablishment for the following reasons:

(1) The special anchorage is a hindrance to yacht club activities, many of which occur within the limited area available which is not encumbered by the seasonal weed bed or the shallow water depth at mean low water;

(2) The special anchorage is not used in the winter. All yacht club moorings and docks must be removed annually in this reach of the Hudson River due to the substantial ice build up; and

(3) Transient vessels anchor approximately 1500 feet north of the special anchorage to use Esopus Island as a breakwater to block wake action caused by commercial shipping which transits west of the island.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The principal users of this special anchorage are the members of the Poughkeepsie Yacht Club who fully understand the impact of their request. Additionally, the Coast Guard is unaware of any boaters other than the members of the Poughkeepsie Yacht Club who anchor or use moorings in this special anchorage.

Small Entities

The Coast Guard has considered the economic impact of this rule under the Regulatory Flexibility Act (5 U.S.C. 601–612). For the reasons discussed in the Regulatory Evaluation section, the Coast Guard expects that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have significant economic impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This proposal contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that since this rule disestablishes a special anchorage, under 2.B.2.e.(34)(f) of Commandant Instruction M16475.1B (as reviewed by 59 FR 38654, July 29, 1994), it is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulation

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 110.60 as follows:

PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in it are also issued under 33 U.S.C. 1223 and 1231.

§ 110.60 [Amended]

2. In section 110.60, paragraph (p–3) is removed.

Dated: June 16, 1997.

J.L. Linnon,

Rear Admiral, Coast Guard, Commander, First Coast Guard District.

[FR Doc. 97–18991 Filed 7–17–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 131

[FRL–5860–7]

Proposed Rule to Withdraw From Federal Regulations the Applicability to Alaska's Waters of Arsenic Human Health Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; re-opening of comment period.

SUMMARY: The purpose of this document is to re-open the public comment period on this proposed rule for an additional two weeks period.

DATES: EPA will now accept public comments on its proposed withdrawal of the human health criteria for arsenic applicable to Alaska until August 4, 1997. Comments postmarked after this date may not be considered.

ADDRESSES: An original plus 2 copies, and if possible an electronic version of the comments either in WordPerfect or ASCII format, should be addressed to Sally Brough, U. S. EPA Region 10, Office of Water, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Fred Leutner at EPA Headquarters, Office of Water (4305), 401 M Street, SW, Washington, D.C. 20460 (telephone: 202–260–1542), or Sally Brough in EPA's Region 10 (telephone: 206–553–1295).

SUPPLEMENTARY INFORMATION: This proposed rule appeared in the **Federal Register** on May 21, 1997 (62 FR 27707) and provided for a public comment period of 45 days which closed on July 7, 1997. Shortly before that closing date, officials of several groups in Alaska contacted the Environmental Protection Agency (EPA) and requested an extension of the comment period. These officials cited difficulty in obtaining certain documents in the administrative record within the short comment period provided by EPA. To be fair to all parties who may want to provide comments, EPA is re-opening the comment period for an additional 2 weeks from the date of publication of this Notice.

List of Subjects in 40 CFR Part 131

Environmental protection, Water pollution, Water quality standards.

Robert Perciasepe,

Assistant Administrator for Water.

[FR Doc. 97–18970 Filed 7–17–97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300505; FRL–5717–8]

Corn Gluten; Proposed Exemption From the Requirement of a Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: EPA is proposing to establish an exemption from the requirement of a tolerance for residues of the biochemical pesticide corn gluten, also known as corn gluten meal, when used as a herbicide in or on various food commodities. The exemption from the requirement of a tolerance is being proposed by the Agency on its own initiative.

DATES: Comments, identified by the docket control number [OPP–300505], must be received on or before September 16, 1997.

ADDRESSES: By mail, submit written comments to: Information and Records Integrity Branch, Public Information and Services Divison (7506C), Office of Pesticides 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.

Comments and data may also be submitted electronically by following the instructions under ''SUPPLEMENTARY INFORMATION.'' No confidential business information should be submitted through e-mail.

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). CBI should not be submitted through e-mail. Information marked as CBI 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 may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Freshteh Toghrol, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 5th Floor, Crystal Station 1, 2805 Crystal Drive, Arlington, VA; Telephone number (703) 308–7014, e-mail: toghrol.freshteh@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA) and 21 U.S.C. 346a(d), EPA proposes to amend 40 CFR 180.1164 by establishing an exemption from the requirement of a tolerance for residues of the biochemical pesticide corn gluten, also known as corn gluten meal, when applied in accordance with good agricultural practices in or on all food commodities. Pursuant to section 408(d)(2)(a)(i) of the FFDCA, as amended, the Agency is issuing this proposed exemption on its own initiative.

I. Corn Gluten

Corn gluten is classified by Food and Drug Administration as GRAS (Direct Food Substances Affirmed As Generally Recognized As Safe, 21 CFR 184.1321).

A. Proposed Use Practices

Corn gluten, also known as corn gluten meal, is proposed to be used as an herbicide in or on all food commodities. The rate of application and number of applications will not be limited because corn gluten is a protein (food-by product) obtained from corn.

B. Product Identity/Chemistry

1. *Corn gluten*. Corn gluten (Cas Reg. No. 66071–96–3), also known as corn gluten meal, is the principal protein component of corn endosperm. It consists mainly of zein and glutelin, and is a by-product of the wet milling of corn for starch. The gluten fraction is washed to remove residual water soluble proteins. Corn gluten is also produced as a by-product during the conversion of the starch in whole or various fractions of dry milled corn to corn syrups.

a. The ingredient is used as a nutrient supplement as defined in 21 CFR 170.3(o)(20) and a texturizer as defined in 21 CFR 170.3(o)(32).

b. The ingredient is used in food at levels not to exceed current good manufacturing practice.

c. Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

Corn gluten is also classified by EPA as a pesticide not requiring Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) regulation (Exemptions For Pesticides of a Character Not Requiring FIFRA Regulation, 40 CFR 152.25). Corn gluten is listed under 40 CFR 152.25(g)(1):

§ 152.25 Exemptions for pesticides of a character not requiring FIFRA regulation.

* * * * *

(g) *Minimum risk pesticides*—(1) *Exempted products.* Products containing the following active ingredients are exempt from the requirements of FIFRA, alone or in combination with other substances listed in this paragraph, provided that all of the criteria of this section are met.

* * * * *

(2) *Permitted inerts.* A pesticide product exempt under paragraph (g)(1) of this section may only include inert ingredients listed in the most current List 4A * * *.

(3) *Other conditions of exemption.* All of the following conditions must be met for products to be exempted under this section:

(i) Each product containing the substance must bear a label identifying the name and percentage (by weight) of each active ingredient and the name of each inert ingredient.

(ii) The product must not bear claims either to control or mitigate microorganisms that pose a threat to human health, including but not limited to disease transmitting bacteria or viruses, or claim to control insects or rodents carrying specific diseases, including, but not limited to ticks that carry Lyme disease.

(iii) The product must not include any false and misleading labeling statements, including those listed in 40 CFR 156.10 (a)(5)(i) through (viii).

Based upon the information provided above, EPA has found that when corn gluten is used in accordance with good agricultural practice, the ingredient is useful and a tolerance is not necessary to protect public health. Therefore, EPA proposes that an exemption from the requirement of a tolerance be established for residues of the herbicide corn gluten, when used as an active ingredient for end-use formulations.

2. *Magnitude of Residue.* The Agency believes that corn gluten residues are non-toxic since corn gluten occurs naturally in food and the environment.

3. *Analytical method.* The analytical method is not needed because corn gluten residues consist of proteins, which will not be distinguishable from those proteins present in the crop.

C. Mammalian Toxicological Profile

Corn gluten is a protein found in food consumed by humans, and animals, and