

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule published in the rules section of today's Federal Register.

List of Subjects in 40 CFR Parts 89 and 90

Administrative practice and procedure, Air pollution control, Confidential business information, Environmental protection, Imports, Incorporation by reference, Labeling, Nonroad source pollution, Reporting requirements.

Dated: May 2, 1996.

Carol M. Browner,
Administrator.

[FR Doc. 96-11476 Filed 5-7-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 180, 185 and 186

[OPP-300423; FRL-5364-8]

RIN 2070-AC18

Avermectin B₁ and its Delta-8,9-Isomer; Proposed Renewal of Time-Limited Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to renew time-limited tolerances for the residues of the insecticide avermectin B₁ and its delta-8,9-Isomer in or on certain raw agricultural commodities. This rule which would renew the effective date for the time-limited tolerances of this insecticide in or on these commodities was requested by Merck & Co., Inc., Merck Sharp and Dohme Research Laboratories.

DATES: Comments identified by the docket number, [OPP-300423], must be received on or before June 7, 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: Public Docket, 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 as 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 above address, 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 [OPP-300423]. 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: George T. LaRocca, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 202, CM #2, 1900 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305-5419; e-mail: larocca.george@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Agency issued a conditional registration for avermectin B₁ for use on cotton on May 22, 1989 with an expiration date of March 31, 1992 (see the Federal Register of August 27, 1989 (54 FR 35059)). This conditional registration was subsequently amended on July 25, 1989 to include citrus (see the Federal Register of August 2, 1989 (54 FR 31836)) and on April 1, 1992 the expiration date for conditional registration was extended to April 30, 1995. On May 1, 1995 the expiration date for conditional registration was again extended to November 15, 1996. The registrations were made conditional since certain data were lacking and required by the Agency to allow it to evaluate the effects of avermectin B₁ on fish and aquatic organisms. See the Federal Register of August 23, 1989 (54 FR 35059) and August 3, 1994 (59 FR 39505) for the status of specific data requirements. Because of the lack of these data the tolerances on cotton and citrus were made temporary until the conditions of registration were fulfilled.

The Agency's evaluation of the risk reduction measures to assess aquatic hazard and exposure from use of this

pesticide on cotton and citrus will not be completed in time to establish a permanent tolerance prior to the expiration date (April 30, 1996) for the time-limited tolerances. The Agency therefore proposes that to be consistent with the extensions issued for the conditional registration (November 15, 1996) the time-limited tolerances for cotton and citrus, meat, meat by-products, milk and processed food/feed commodities be renewed until November 15, 1997. The Agency has determined that renewing the tolerances will protect the public health. Therefore tolerances on cotton, citrus and other affected commodities are proposed to be renewed as set forth below.

The data submitted in support of these tolerances and other relevant material have been reviewed. The toxicological and metabolism data and analytical methods for enforcement purposes considered in support of these tolerances are discussed in detail in related documents published in the Federal Register of May 31, 1989 (54 FR 23209—cottonseed) and August 2, 1989 (54 FR 31836—citrus).

Residues remaining in or on the above raw agricultural commodity after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the conditional registrations.

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 the ingredient 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 Federal Food, Drug, and Cosmetic Act (FFDCA).

Interested persons are invited to submit written comments on the proposed rule. Comments must bear a notation indicating the document control number, [OPP-300423]. All written comments filed in response to this proposed rule will be available in the Public Response and Program Resources Branch at the above address from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under docket number [OPP-300423] (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, CM #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 document from the requirement of review pursuant to Executive Order 12866. In addition, 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 considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to the requirements 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 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

40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

40 CFR Part 185

Food additives, Pesticides and pest.

40 CFR Part 186

Animal feeds, Pesticides and pest.

Dated: April 26, 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]

. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.449, by revising paragraph (a), to read as follows:

§ 180.449 Avermectin B₁ and its delta-8,9-isomer; tolerances for residues.

(a) Tolerances are established for the combined residues of the insecticide avermectin B₁ (a mixture of avermectins containing greater than or equal to 80% avermectin B_{1a} (5-0-dimethyl avermectin A_{1a}) and less than or equal to 20% avermectin B_{1b} (5-0-demethyl-25-de(1-methylpropyl)-25-(1-methylethyl) avermectin A_{1a})) and its delta-8,9-isomer in or on the following commodities:

Commodity	Parts per million	Expiration Date
Cattle, fat	0.015	November 15, 1997
Cattle, meat	0.02	November 15, 1997
Cattle, mybp	0.02	November 15, 1997
Citrus, whole fruit.	0.02	November 15, 1997
Cottonseed	0.005	November 15, 1997
Hops, dried	0.5	December 31, 1996
Milk	0.005	November 15, 1997

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PART 185—[AMENDED]

2. In Part 185:

a. The authority citation for Part 185 continues to read as follows:

Authority: 21 U.S.C. 348

b. Section 185.300 is revised to read as follows:

§ 185.300 Avermectin B₁ and its delta-8,9-isomer; tolerances for residues.

Tolerances to expire on November 15, 1997 are established for the combined residues of the insecticide avermectin B₁

(a mixture of avermectins containing greater than or equal to 80% avermectin B_{1a} (5-0-dimethyl avermectin A_{1a}) and less than or equal to 20% avermectin B_{1b} (5-0-demethyl-25-de(1-methylpropyl)-25-(1-methylethyl) avermectin A_{1a})) and its delta-8,9-isomer in or on the following commodity:

Commodity	Parts per million
Citrus Oil	0.10

PART 186—[AMENDED]

3. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 348.

b. In § 186.300 by revising paragraph (a) to read as follows:

§ 186.300 Avermectin B₁ and its delta-8,9-isomer; tolerances for residues.

(a) Tolerances to expire on November 15, 1997 are established for the combined residues of the insecticide avermectin B₁ (a mixture of avermectins containing greater than or equal to 80% avermectin B_{1a} (5-0-dimethyl avermectin A_{1a}) and less than or equal to 20% avermectin B_{1b} (5-0-demethyl-25-de(1-methylpropyl)-25-(1-methylethyl) avermectin A_{1a})) and its delta-8,9-isomer in or on the following commodity:

Commodity	Parts per million
Dried Citrus pulp	0.10

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40 CFR Parts 180 and 186

[PP 9F3739 FAP 1H5604/P654; FRL-5362-6]

RIN 2070-AC18

Fluorine Compounds; Pesticide Tolerance and Feed Additive Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish a pesticide tolerance for residues of the insecticidal fluorine compounds cryolite and/or synthetic cryolite (sodium aluminum fluoride) in or on