protect the public health. Therefore, it is proposed that the tolerance be established 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, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice 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 docket number [PP 2E4042/P661].

A record has been established for this rulemaking under docket number [PP 2E4042/P661] (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.

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 Virginia address in ''ADDRESSES'' at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 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 t his 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).

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 explaing 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: June 4, 1996.

Stephen L. Johnson,

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 § 180.275, the table in paragraph (a) is amended by adding alphabetically the raw agricultural commodity asparagus, to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Asparagus	0.10
* * * * *	

* * * * *

[FR Doc. 96–15478 Filed 6–18–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 6E4653/P665; FRL–5377–4]

RIN 2070–AC18

Sodium Salt of Fomesafen; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish a time-limited tolerance for residues of the herbicide sodium salt of fomesafen (also referred to in this document as fomesafen) in or on the raw agricultural commodity snap beans. The proposed regulation to establish a maximum permissible level for residues of the herbicide was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the docket number [PP 6E4653/P665], must be received on or before July 19, 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.

Comments and data may also be submitted to OPP 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 6E4653/P665]. 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.

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 a .m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, (703) 308–8783; e-mail: jamerson.hoyt@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 6E4653 to EPA on behalf of the Agricultural Experiment Stations of Arkansas, Georgia, Kentucky, Minnesota, New York, North Carolina, Tennessee, and Virginia.

This petition requests that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.433 by establishing a time-limited tolerance for residues of the sodium salt of fomesafen, 5-[2-chloro-4-(trifluoromethyl)phenoxy]-*N*-(methylsulfonyl)-2-nitrobenzamide, in or on the raw agricultural commodity snap beans at 0.05 parts per million (ppm). IR-4 proposed that registration for use of fomesafen on snap beans be geographically limited to the following states: Alabama, Arkansas, Delaware, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Additional geographical restrictions, within these states, will be specified on the pesticide label.

EPA is proposing to establish this tolerance with an expiration date of December 31, 1998, to allow IR-4 time to conduct additional residue field trials in support of a permanent tolerance for regional registration for use of fomesafen on snap beans. The available residue data show no-detectable residues (less than 0.05 ppm) on snap beans from the proposed use pattern. The requested residue field trials are expected to provide confirmatory data in support of a permanent tolerance for residues of fomesafen on snap beans at 0.05 ppm.

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include:

(1) A 6–month feeding study in dogs fed diets containing 0, 0.1, 1.0 or 25 mg/kg/day with a no-observed-effect level (NOEL) of 1.0 mg/kg/day. Dogs fed 25 mg/kg/day demonstrated altered lipid metabolism and liver change.

(2) A 2–year feeding/carcinogenicity study with rats fed diets containing 0, 5, 100, or 1,000 ppm with a NOEL for systemic effects of 5 ppm (0.25 mg/kg/day). At the lowest-effect level (LEL) 100 ppm (5 mg/kg/day) there was liver toxicity and decreased body weight. There were no carcinogenic effects observed under the conditions of the study.

(3) A 2–year feeding/carcinogenicity study with mice fed diets containing 0, 1, 10, 100, or 1,000 ppm (equivalent to 0.15, 1.5, 15, or 150 mg/kg/day) with statistically significant increases in the incidences of liver adenomas in male mice at 1, 100, and 1,000 ppm and in female mice at 100 and 1,000 ppm, and statistically significant increases in the incidences of liver carcinomas and combined liver carcinomas and adenomas in both sexes at 1,000 ppm.

(4) A 2–generation reproduction study in rats fed diets containing 0, 50, 250, or 1,000 ppm (equivalent to 2.5, 12.5, or 50 mg/kg/day) with no reproductive effects observed. The NOEL for systemic toxicity (reduction in body weight and liver necrosis) is established at 250 ppm for this study.

(5) A developmental toxicity study in rats given oral doses of 0, 50, 100, or 200 mg/kg/day on gestation days 6 to 15 with no developmental toxicity.

(6) A developmental toxicity study in rabbits given oral doses of 0, 2.5, 10, or 40 mg/kg/day on gestation days 6 to 18 with no developmental toxicity.

(7) Fomesafen tested negative in assay systems for gene mutation, structural chromosome aberration, and other genotoxic effects. Fomesafen did produce a weak clastogenic response in rat bone marrow.

(8) Metabolism studies in rats indicate that more than 90 percent of the compound is excreted within 7 days of ingestion. The rat metabolism studies also show that fomesafen tends to concentrate in the liver, prior to excretion. Fomesafen is metabolized through hydrolytic cleavage of the amide linkage to form aciflurofen, which is classified by EPA as a probable human carcinogen (Group B2).

Based on a weight-of evidence determination, OPP's Health Effects Division, Carcinogenicity Peer Review Committee (CPRC) has classified fomesafen as a Group C carcinogen (possible human carcinogen). The upper-bound carcinogenic risk from dietary exposure to fomesafen was calculated using a potency factor (Q^*) of 0.19 $(mg/kg/day)^{-1}$ and dietary exposure as estimated by the Anticipated Residue Contribution (ARC) for existing tolerances and the proposed tolerance for snap beans. The upper-bound carcinogenic risk from established tolerances and the proposed tolerance for snap beans is calculated at 1.56×10^{-6}. The upper-bound cancinogenic risk from the proposed use on snap beans is calculated at 1.4×10^{-6}. EPA concludes that the potential cancer risk from residues of fomesafen resulting from established tolerances and the proposed tolerance for snap beans is negligible.

The Reference Dose (RfD) for fomesafen has not been established by OPP's Health Effects Division, RfD Committee. For purposes of this action, the RfD is calculated at 0.0025 mg/kg of body weight/day. The RfD is based on a NOEL of 0.25 mg/kg/day from the rat feeding/carcinogenicity study and an uncertainty factor of 100. The ARC for the overall U.S. population from established tolerances and the proposed tolerance for snap beans utilizes less than 1 percent of the RfD. EPA generally has no concern for exposures below 100 percent of the RfD.

The nature of the residue in plants and animals is adequately understood. The residue of concern is fomesafen per se. An adequate analytical method for enforcing this tolerance has been published in the Pesticide Analytical Manual (PAM 11). Secondary residues are not expected to occur in milk, eggs, and meat as a result of this action since snap beans are not a significant livestock feed commodity.

There are presently no actions pending against the continued

registration of this chemical. The pesticide is considered useful for the purpose for which the tolerance is sought.

Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerance be established 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, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice 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 docket number [PP 6E4653/P665].

A record has been established for this rulemaking under docket number [PP 6E4653/P665], (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 Virginia 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).

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 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: June 7, 1996.

Susan Lewis,

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 § 180.433, by designating the existing text as paragraph (a) and by adding a paragraph (b) to read as follows:

§ 180.433 Sodium salt of fomesafen; tolerances for residues.

(a) * * *

(b) Tolerances with regional registration are established for residues of the sodium salt of fomesafen, 5-[2-chloro-4-(trifluoromethyl)phenoxy]-*4-N*-(methylsulfonyl)-2-nitrobenzamide, in or on the raw agricultural commodities, as follows:

Commodities	Parts per million	Expiration date
Beans, snap	0.05	December 31, 1998

[FR Doc. 96–15480 Filed 6–18–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 1E4031/P666; FRL–5369–4]

RIN 2070–AB78

3-Dichloroacetyl-5-(2-furanyl)-2,2-dimethyloxazolidine; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to extend the time-limited tolerances for residues of the inert ingredient (safener), 3-dichloroacetyl-5-(2-furanyl)-2,2-dimethyloxazolidine (CAS Reg. No. 121776–33–8) in or on corn from June 30, 1996 to June 30, 1998.

DATES: Comments, identified with the docket number [PP 1E4031/P666] must be received on or before July 5, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental