

EPA has denied a specific exemption request from the:

1. Arkansas State Board for the use of pyriithiobac-sodium on cotton to control weeds. The Agency denied the exemption because the situation is routine and not urgent and significant economic loss is not expected. (Margarita Collantes)

2. Washington Department of Agriculture for the use of imidacloprid on pears to control grape mealybugs. The Agency denied the exemption because of insufficient data to show resistance to alternatives. (David Deegan)

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pest, Crisis exemptions.

Dated: August 30, 1995.

Stephen L. Johnson,
Director, Registration Division, Office of
Pesticide Programs.

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[EPA/OSW-FR-95-FRL-5298-8]

Procedures for Submission of Recycled Content Products Information to EPA

AGENCY: Environmental Protection Agency.

ACTION: Notice and request for information.

SUMMARY: This notice explains the procedures for interested persons to (1) suggest items for EPA to consider for designation in the updates of the Comprehensive Guideline for Procurement of Products Containing Recovered Materials (CPG) and (2) provide information for EPA to use in developing or revising its recommendations for recovered materials content levels contained in the Recovered Materials Advisory Notices (RMANs) that accompany the CPG updates. Specifically, this notice describes the types of information EPA is interested in receiving as well as how to submit information to EPA concerning designation of items or recovered materials content levels. This information will be considered by the Agency when issuing revisions to the items designated in the CPG and recommendations in the RMANs.

DATES: EPA will accept the information described below from December 1, 1995 through February 29, 1996.

ADDRESSES: Commenters must send an original and two copies of their written

comments referencing docket number F-95-CPGN-FFFFF to: RCRA Information Center (RIC), Office of Solid Waste (5305W), U.S. Environmental Protection Agency Headquarters, 401 M Street, SW., Washington, DC 20460. Comments may also be submitted electronically through the Internet to: RCRA-Docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F-95-CPGN-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. All comments, including those submitted electronically, will be available for viewing in the RIC, located in Room M2616 at the address listed above. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, the public must make an appointment by calling (202) 260-9327. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$.15/page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). In the Washington metropolitan area, call 703-412-9610 or TDD 703-412-3323.

For more detailed information on specific aspects of this Notice, contact Terry Grist, (703)308-7257, Office of Solid Waste (5306W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. Background

In Section 6002 of the Resource Conservation and Recovery Act (RCRA), Congress established a program to promote recycling by increasing purchases of products containing recovered materials. Section 6002 requires EPA to designate products that may be produced with recovered materials and to recommend practices for buying these products containing recovered materials. Once a product is designated, Federal, state and local agencies and their contractors that use appropriated Federal funds to purchase the items, must purchase them with the highest recovered materials content level practicable (see 59 FR 18857, April 20, 1995).

On October 20, 1993, President Clinton further addressed the need to develop markets for recovered materials in Executive Order 12873 (58 FR 5491, October 22, 1993). The Executive Order directed EPA to designate procurement items in a Comprehensive Procurement

Guideline (CPG) and to recommend content levels in Recovered Materials Advisory Notices (RMANs). EPA published the CPG and RMAN on May 1, 1995 (see 60 FR 21370-21394). The CPG designates 19 items made from recovered materials that procuring agencies must purchase as well as includes the five items previously designated by EPA. The RMAN identifies the range of the recovered materials content levels within which each designated item is now available. The items are listed in seven product categories: Paper and Paper Products, Vehicular Products, Construction Products, Transportation Products, Park and Recreation Products, Landscaping Products, and Non-Paper Office Products. The CPG also contains an eighth category, Miscellaneous Products, for future designations that do not fall within the other categories.

Executive Order 12873 also directed EPA to designate additional items annually and to update the recommended recovered material content ranges periodically. To aid in this process, in the proposed CPG the Agency solicited public comments on procedures that would allow the public to (1) Suggest items for designation in future updates of the CPG and (2) provide information on products made from recovered materials (see 59 FR 18861, April 20, 1994). EPA asked for, but did not receive, comments on these procedures. EPA believes that the solicitation of public input will broaden the information that the Agency can consider in designating items and recommending recovered materials content levels for designated items. This notice explains these procedures.

II. Procedures for Providing Recycled Content Product Information to EPA

Once a year, EPA plans to issue a Federal Register notice asking for information on products containing recovered materials. The timeframe specified in each notice will be chosen to allow the Agency sufficient time to review the information for consideration in the ensuing update to the CPG and RMAN. Throughout the period designated in the Notice, interested parties will be able to suggest items containing recovered materials for EPA to designate, recommend recovered materials content levels, and suggest revisions to EPA's recommendations for purchasing existing designated items containing recovered materials. Respondents may rely on existing information including brochures, sales manuals and specifications, as long as this information addresses the types of information listed in section III below.

EPA will consider the submitted information we receive for future updates or revisions to the CPG and recommended materials content levels. Submission of information and/or requests for consideration for a new item designation or recommended content levels does not guarantee that EPA will designate that item or revise a recommended materials content level.

III. Today's Request for Information

Today, EPA is announcing that it will accept information from December 1, 1995 through February 29, 1996 about products containing recovered materials. EPA invites respondents to provide information on products in all product categories, with one exception. The exception is products addressed by EPA's previous designation of "paper and paper products." On March 15, 1995, EPA issued a draft Paper Products Recovered Materials Advisory Notice (60 FR 14182), which contained draft updates to EPA's 1988 recommendations for the recovered materials content of paper and paper products. Today's notice does not re-open the comment period on the Paper Products RMAN. Rather, EPA will accept information only on paper products that fall outside the scope of the draft Paper Products RMAN.

Respondents should submit information as described above under **ADDRESSES**. The Agency will provide written confirmation of receipt of submitted materials.

EPA requests that respondents provide information regarding the seven areas listed below.

(1) Barriers to Purchasing Products Containing Recovered Materials:

—What government specifications, standards, purchasing policies, or purchasing procedures preclude government agencies from purchasing the item containing recovered materials?

(2) Use of Materials in Solid Waste:

—Is the item made using a material that represents a significant portion of the solid waste stream or presents a solid waste disposal problem?

(3) Economic and Technological Feasibility and Performance:

—Does the item perform as well as necessary to meet a procuring agency's needs?

—Are there government, ASTM or other consensus standards or specifications that would enable a procuring agency to buy the item containing recovered materials?

—Is the item available at a reasonable price considering normal market fluctuations?

(4) Impact of Government Procurement:

—Is the item purchased in appreciable quantities by the Federal government or by state and local governments?

(5) Availability and Competition:

—Is the item available from an adequate number of sources to ensure competition?

—Is the item generally available, rather than available in a limited market area?

(6) Recovered Materials Content Levels:

—What levels of recovered materials content are used in the product?

—Is the recovered materials content postconsumer material? What percentage is postconsumer?

(7) Source of information:

—What is the source of the information provided (e.g., industry studies, technical journals)? Where can purchasing agencies purchase the item? Provide the vendor's company name, address, contact name and phone number.

The first area, barriers to procurement of products containing recovered materials, derives from the underlying objective of RCRA section 6002 which is to use the Federal government's purchasing power to develop markets for materials diverted or recovered from solid waste. It is EPA's intention that, by issuing procurement guidelines, we will help remove barriers to increasing the procurement of products containing recovered materials.

The next four areas of information relate to the key criteria that RCRA section 6002 requires EPA to consider. The sixth area will be used by EPA in recommending recovered materials content levels or other relevant information to assist procuring agencies in purchasing new or existing designated items. The final area of information will be used by EPA to obtain additional information, if needed, and to prepare lists of vendors of designated items for use by procuring agencies.

To reduce the volume of information to be reviewed and stored, EPA requests that respondents not submit the following types of information: video tapes, item samples, and material samples. Also, respondents should not submit confidential business information because the Agency considers the information supporting its guideline program to be public information. Respondents do not need to resend information to EPA if that information was submitted to the Municipal and Industrial Solid Waste

Division of EPA within the last two years.

Dated: September 11, 1995.

Elizabeth A. Cotsworth,

Acting Director, Office of Solid Waste.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 95F-0221]

DuCoa L.P.; Filing of Food Additive Petition (Animal Use) Natamycin

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that DuCoa L.P. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of natamycin as a mold retardant of *Aspergillus parasiticus*, *Penicillium rubrum*, and *Fusarium moniliforme* in broiler chicken feed for up to 14 days when used at a level of 11 parts per million (ppm).

DATES: Written comments on the petitioner's environmental assessment by November 20, 1995.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sharon A. Benz, Center for Veterinary Medicine (HFV-226), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1724.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 2234) has been filed by DuCoa L.P., Technical Products Division, P.O. Box 219, Highland, IL 62249-0219. The petition proposes to amend the food additive regulations in part 573 *Food Additives Permitted in Feed and Drinking Water of Animals* (21 CFR part 573) to provide for the safe use of natamycin as a mold retardant of *A. parasiticus*, *P. rubrum*, and *F. moniliforme* for up to 14 days in broiler chicken feed when used at a level of 11 ppm.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated