

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. This proposal does not affect the status of the special anchorage areas in Great Kills Harbor or Sheepshead Bay, but merely reflects that the Captain of the Port New York mooring permit procedures are no longer applicable and that mooring permits will no longer be issued. This proposal will not be significant because the boating public retains the ability to use the anchorages, and will be able to do so without obtaining a Federal mooring permit.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "Small entities" may include (1) small business and not-for-profit organizations that are independently owned and operated and are not dominant in their field and (2) government jurisdictions with populations of less than 50,000.

For reasons set forth in the above Regulatory Evaluation, the Coast Guard finds that this proposed rule 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 a significant economic impact on your business or organization, please submit a comment (see "ADDRESSES") 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 *et seq.*)

#### Federalism

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

#### Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that it is an action that is categorically excluded from further analysis and documentation requirements under the National Environmental Policy Act (NEPA). This

determination was made in accordance with agency procedures and policy for categorical exclusions published in Federal Register July 29, 1994 (59 FR 38654) under section 2.B.2.e.(34)(a). A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket.

#### 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 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.

2. Section 110.60 is amended by revising the note in paragraph (r-1) and paragraph (x)(4) to read as follows (the table following paragraph (x)(4) remains unchanged):

#### **§ 110.60 Port of New York and vicinity.**

\* \* \* \* \*

(r-1) \* \* \*

Note: The special anchorage area is principally for use by yachts and other recreational craft. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited. Vessels shall be anchored so that no part of the vessel comes within 50 feet of the marked channel.

\* \* \* \* \*

(x) \* \* \*

(4) Captain of the Port Regulations. In Sheepshead Bay, New York, Western, Northern, and Southern Special Anchorage Area, the following applies:

(i) Two anchors shall be used. The anchor minimum weight and minimum chain size shall be as shown in table 110.60(x)(4) and the anchor shall be placed in figure 110.60(x)(4).

(ii) The area is principally for vessels used for a recreational purpose.

\* \* \* \* \*

Dated: March 4, 1996.

J.L. Linnon,

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

[FR Doc. 96-6299 Filed 3-19-96; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR PART 180**

[PP 4E4419/P647; FRL-5356-2]

### **RIN 2070-AB18**

### **Avermectin B<sub>1</sub> and its Delta-8,9 Isomer; Pesticide Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed Rule.

**SUMMARY:** EPA proposes to extend a time-limited tolerance for the Combined residues of the insecticide avermectin B<sub>1</sub> and its delta 8,9-isomer in or on the raw agricultural commodity dried hops. This rule, which would extend the effective date for the avermectin tolerance on dried hops to December 31, 1996, was requested by the Interregional Research Project No. 4 (IR-4).

**DATES:** Comments, identified by the document control number [PP 4E4419/P647], must be received on or before April 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-docke@pamail.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 4E4419/P647]. 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.

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 Virginia 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, jamerson.hoyt@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA issued a time-limited tolerance in the Federal Register of February 7, 1996 (61 FR 4593) under section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), for combined residues of the insecticide avermectin B<sub>1</sub> [a mixture of avermectins containing greater than or equal to 80% avermectin B<sub>1a</sub> (5-O-demethyl avermectin A<sub>1</sub>) and less than or equal to 20% avermectin B<sub>1b</sub> (5O demethyl-25-de(1-methylpropyl)-25-(1-methylethyl) avermectin A<sub>1</sub>)] and its delta-8,9-isomer in or on the raw agricultural commodities dried hops at 0.5 parts per million (ppm) and cattle fat at 0.015 ppm. These tolerances were requested in pesticide petition (PP) 4E4419, which was submitted by the Interregional Research Project eat No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903. EPA established the tolerance for dried hops with an expiration date to allow IR-4 additional time to submit residue data in support of a permanent tolerance, and to allow EPA time to complete its evaluation of the enforcement method for dried hops. In addition, when the time-limited tolerance for dried hops was requested by IR-4, the established tolerances for secondary residues of avermectin in meat, meat byproducts, and milk were also time-limited and were established to expire on April 30, 1996. The time-limited tolerances for meat, meat byproducts, and milk were established in conjunction with the Conditional registration for use of avermectin on cotton and citrus. The time-limited tolerance for cattle fat, which is required for the cotton and citrus uses, was inadvertently omitted when the other time-limited tolerances were established. EPA intends to make a decision on the avermectin registrations for cotton and citrus prior to April 30, 1996. If full registration is issued, the time-limited restriction will be removed

from the tolerances for meat, meat byproducts, cattle fat, and milk. The time-limited tolerances for secondary residues of avermectin B<sub>1</sub> and its delta-8,9-isomer, however, are no longer relevant to the use on hops, since tolerances for secondary residues are no longer required in conjunction with pesticide registrations for hops. In response to comments received relating to "Table II (June 1994): Raw Agricultural and Processed Commodities and Feedstuff Derived from Field Crops," the Agency has concluded that spent hops are not a significant livestock feed commodity. This means that pesticide tolerances are not required for spent hops and that tolerances for meat and milk will not be established in support of registration for pesticide use on hops.

After submitting PP 4E4419, IR-4 submitted a second petition (PP 5E4566) for dried hops, which proposes a permanent tolerance for residues of avermectin B<sub>e</sub> and its delta-8,9-isomer in or on the raw agricultural commodity dried hops. EPA's evaluation of PP 5E4566 will not be completed in time to establish a permanent tolerance, prior to the expiration date for the time-limited tolerance. EPA, therefore, proposes that the expiration date for the time-limited tolerance for dried hops be extended to December 31, 1996, to allow EPA additional time to review IR-4's petition for a permanent tolerance for residues of avermectin on dried hops.

The data considered in support of the time-limited tolerance is discussed in the proposed rule, which was published in a Federal Register notice of September 13, 1995 (59 FR 49826).

There are presently no actions pending against the continued registration of this chemical. EPA has completed an evaluation of the analytical method and has concluded that it is a valid enforcement method. Several minor modifications to the method have been suggested by EPA, and IR-4 is in the process of rewriting the method to include these modifications.

Prior to its publication in the Pesticide Analytical Manual, Volume II (PAM II), the enforcement method is being made available in the Interim to anyone who is interested in pesticide residue enforcement from: By mail, Calvin Furlow, Public Response and Program Resources Branch, Field operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. office location and telephone number: Crystal Mall #2, Rm 1128, 192S Jefferson Davis Hwy., Arlington, VA 22202 (703)305-5805.

Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR 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 4E4419/P647].

A record has been established for this rulemaking under docket number [PP 4E4419/P647] (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.

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.

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 in 40 CFR Part 180

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

Dated: March 11, 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. a and 371.

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

#### **§ 180.449 Avermectin B<sub>1</sub> and its delta-8,9 isomer; tolerances for residues.**

(a) Tolerances are established for the combined residues of the insecticide avermectin B<sub>1</sub> [a mixture of avermectins containing greater than or equal to 80% avermectin B<sub>1a</sub> (5-O-demethyl avermectin A<sub>i</sub>) and less than or equal to 20% avermectin B<sub>1b</sub> (5-O-demethyl-25-de(1-methylpropyl)-25-(1-methylethyl) avermectin A<sub>i</sub>)] and its delta-8,9-isomer in or on the following commodities:

Commodity	Parts per million	Expiration date
Cattle, fat	0.015	Apr.30, 1996
Cattle, meat ....	0.02	Do
Cattle, mbyyp ...	0.02	Do
Citrus whole fruit .....	0.02	Do
Cottonseed ....	0.005	Do
Hops, dried ....	0.5	Dec. 31, 1996
Milk .....	0.005	Apr. 30, 1996

\* \* \* \* \*

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#### **40 CFR Parts 180, 185 and 186**

[OPP-300413; FRL-5347-6]

RIN 2070-AB18

#### **Hexakis (2-methyl-2-phenylpropyl)distannoxane; Proposed Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA has completed the reregistration process and issued a Reregistration Eligibility Decision (RED) for hexakis (2-methyl-2-phenylpropyl)distannoxane, also known as and hereafter referred to in this document as fenbutatin oxide. In the reregistration process, all information to support a pesticide's continued registration is reviewed for adequacy and, when needed, supplemented with new scientific studies. Based on the RED tolerance assessments for the pesticide fenbutatin oxide, EPA is proposing to revoke certain individual tolerances, establish group tolerances, correct some commodity definitions and divide food crop and animal tolerances into two separate tables, so that only

animal tolerance expressions include both the parent compound and metabolites. Since the publication of the RED, the Agency has revised Table II of the Subdivision O, Residue Chemistry Pesticide Assessment Guidelines for raw agricultural and processed commodities. Consequently, revocations are proposed for commodities which are not considered significant food or feed commodities. In addition, the food additive regulation for citrus oil is being proposed for revocation, and the establishment of a maximum residue level (MRL) for citrus oil is proposed.

**DATES:** Written comments should be submitted to EPA by May 20, 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 Hwy., Arlington, VA.

Information submitted and any comment(s) 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 procedures set forth in 40 CFR part 2. A copy of the comment(s) 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 to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 1132 at the Virginia 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 [OPP-300413]. 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.