produce liver tumors in mice. In addition, mutagenicity studies show evidence of mutagenic activity, but not in mammalian cell systems.

The upper-bound carcinogenic risk from dietary exposure to acifluorfen was calculated using a potency factor (Q^*) of 0.107 $(mg/kg/day)^{-1}$ and dietary exposure as estimated by the Anticipated Residue Contribution (ARC) for existing tolerances and the proposed tolerance for strawberry. The upper-bound carcinogenic risk from established and proposed uses is calculated at 5.6×10^{-7}. The proposed use on strawberry accounts for 1.9×10^{-8} of the total cancer risk, which is a negligible increase in risk.

The RfD for acifluorfen is established at 0.013 mg/kg of body weight/day, based on a NOEL of 1.25 mg/kg body weight/day and an uncertainty factor of 100. The NOEL is taken from the 2–generation rat reproduction study in which decreased survival and increased incidence of kidney lesions were observed in the offspring of rats fed higher dose levels. The ARC for the overall U.S. population from established tolerances and the proposed use on strawberry utilizes less than 1 percent of the RfD. In addition, less than 1 percent of the RfD is utilized for all population subgroups for which EPA has dietary consumption data. EPA generally has no cause for concern for exposures below 100 percent of the RfD.

The nature of the residue is adequately understood for the purpose of the proposed tolerance and an adequate analytical method, gas chromatography, is available for enforcement purposes. An analytical method for enforcing this tolerance has been published in the *Pesticide Analytical Manual* (PAM), Vol. II. No secondary residues in meat, milk, poultry, or eggs are expected since strawberry are not considered a livestock feed commodity. There are presently no actions pending against the continued registration of this chemical.

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.

A record has been established for this rulemaking under docket number [PP 0E3821/P649] (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, 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 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: April 3, 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 § 180.383, the table is amended by adding alphabetically the commodity strawberry, to read as follows:

§ 180.383 Sodium salt of acifluorfen; tolerances for residues.

* * *

Commodities	Parts per million
* * * *	*
Strawberry	0.05

[FR Doc. 96–9471 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 5F4469/P650; FRL–5357–5]

RIN 2070–AB18

Prosulfuron; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish time-limited tolerances for residues of the herbicide prosulfuron, 1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea in or on the raw agricultural commodities cereal grains group (except rice and wild rice), grain at 0.01 part per million (ppm); cereal grains group (except rice and wild rice), forage at 0.10 ppm; cereal grains group (except rice and wild rice), fodder at 0.01 ppm, cereal grains group (except rice and wild rice), straw at 0.02 ppm; and cereal grains group (except rice and wild rice), hay at 0.20 part per million (ppm). The Agency has not completed the regulatory assessment of our science findings; therefore, the Agency is proposing these tolerances with an expiration date.

DATES: Written comments, identified by the docket number [PP 5F4469/P650] should be submitted to EPA by May 17, 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.

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 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.

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 [PP 5F4469/P650]. 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: Robert J. Taylor, Product Manager (PM) 25, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703–305–6800, e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice of filing published in the Federal Register of (60 FR 27505, May 24, 1995) which requested tolerances for residues of the herbicide prosulfuron, 1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea in or on the raw agricultural commodities cereal grains (except rice/wild rice) group at 0.02 part per million (ppm), and cereal grains, forage, fodder and straw (except rice/wild rice) group at 0.02 part per million (ppm). The petitioner subsequently amended this petition by submitting a revised section F which proposed tolerances in or on the raw agricultural commodities cereal grains group (except rice and wild rice), grain at 0.01 part per million (ppm); cereal grains group (except rice and wild rice), forage at 0.10 ppm; cereal grains group (except rice and wild rice), fodder at 0.01 ppm; cereal grains group (except rice and wild rice), straw at 0.02 ppm; and cereal grains group (except rice and wild rice), hay at 0.20 part per million (ppm). These tolerances with an expiration date are required by EPA to allow the petitioner, Ciba-Geigy Corp. to submit additional data concerning the method trial, plant metabolism and ruminant metabolism data. The petitioner has submitted a method trial and it has been validated by an independent laboratory. Additional time is being required to complete review of this method trial and allow additional time to complete and submit the required plant and animal metabolism data and new developmental rabbit study with an accompanying overview (discussion of all the rabbit developmental data, yet to be submitted by the registrant).

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below were considered in support of this tolerance.

1. Several acute toxicology studies placing technical grade prosulfuron in Toxicity Category III, and an acute neurotoxicity study in rats at dose levels of 0, 10, 250, 500, or 1,000 mg/kg with a NOEL of 10 mg/kg based on reduced motor activity and body temperature in males and impaired righting reflex in females. A 90 day neurotoxicity study in rats demonstrated NOELs of >5,000 ppm in females and 10,000 ppm in males and 200 ppm for systemic toxicity.

2. A 1–year feeding study with dogs fed dosages of 0, 0.33, 1.95, 18.6 or 41.0 mg/kg/day (males) and 0, 0.31, 1.84, 20.2, or 48.8 mg/kg/day (females). The NOEL was 1.84 mg/kg/day based on hematologic and clinical chemistry effects and incidence of lipofuscin accumulation in the liver at 18.6 mg/kg/day.

3. An 18–month carcinogenicity study in mice fed dosages of 0, 1.71, 81.4, 410 or 832 mg/kg/day (males), and 0, 2.11, 100, 508 or 1,062 mg/kg/day (females). There was no evidence of carcinogenic effects up to 1,062 mg/kg/day, the highest dose tested (HDT).

4. A 2–year chronic feeding/carcinogenicity study in rats fed dosages of 0, 0.4, 7.9, 79.9 or 160.9 (males), and 0, 0.5, 9.2, 95.7 or 205.8 mg/kg/day (females). There was uncertain evidence of carcinogenicity with slight increases in the incidence of mammary gland adenocarcinomas in females at 95.7 and 205.8 mg/kg/day, slight increase in incidence of benign testicular interstital cell tumors at 79.9 and 160.9 mg/kg/day (significant trend only). A systemic NOEL of 7.9 mg/kg/day was based on decreased body weight and body weight gain, hematopoietic effects (males), and possibly increased serum GGT and decreased liver, kidney and adrenal weights (females) at 79.9 mg/kg/day.

5. A multigeneration reproduction study with rats fed dosages of 0, 0.67, 13.3, 136 or 278 (males), and 0, 0.76, 15.3, 152 or 311 mg/kg/day (females) with a reproductive and a systemic NOEL of 13.3 mg/kg/day based on decreased mean body weights and body weight gain observed at 136 mg/kg/day for both pups (at 200 ppm beginning during lactation) and parental animals.

6. A developmental toxicity study in rats at dose levels of 0, 5, 50, 200 and 400 mg/kg/day by gavage. The developmental NOEL was 200 mg/kg/day based on a statistically significant elevation of combined skeletal findings at 400 mg/kg/day, and maternal toxicity NOEL of 200 mg/kg/day, based on marginal effects on body weight gain at 400 mg/kg/day.

7. A developmental toxicity study in rabbits at dose levels of 0, 1.0, 10 and 100 mg/kg/day by gavage with no

indications of developmental toxixicy at dose levels up to 100 mg/kg/day. A new rabbit developmental study has received preliminary evaluation. Based upon this evaluation, the maternal NOEL appears to be 20 mg/kg/day. The developmental NOEL can not be determined without a complete evaluation of this study. However, it is unlikely that the NOEL would be less than 20 mg/kg/day in this study. A data gap remains for the rabbit developmental until this study, all other as yet unsubmitted deveopmental studies (both rangefinding and definitive) and an accompanying overview (discussion of all the rabbit developmental data, yet to be submitted by the registrant) has been completely evaluated and approved by the Agency.

8. Three acceptable mutagenicity studies were reviewed for prosulfuron. These include assays with *Salmonella typhimurium* strains TA1535 TA1537, TA98, and TA100 or *E. coli* WP2 uvrA exposed in either the presence or absence of mammalian metabolic activation; unscheduled DNA synthesis (UDS) in primary rat hepatocytes; and a structural chromosomal aberration micronucleus test in mice. All these tests were negative for mutagenicity.

The prosulfuron Reference Dose (RfD) was established at 0.02 mg/kg/day based on a NOEL of 1.84 mg/kg bwt/day on the 1–year dog chronic feeding study with an uncertainty factor of 100. The theoretical maximum residue contribution (TMRC) for tolerances on the cereal grains group, straw, forage and hay, and milk, meat and meat by-products utilizes 1.5% of the RfD for the total U.S. population. The most highly exposed subgroups, children (1 to 6) and non-nursing infants (less than one year old), utilize 4.4% of the RfD.

The HED RfD/Peer Review Committee classified this chemical as a Class D oncogen based on the conclusion that there was uncertain evidence of carcinogenicity with slight increases in the incidence of mammary gland adenocarcinomas in female rats at 95.7 and 205.8 mg/kg/day, but significant only at 95.7 mg/ kg/day, a slight increase in incidence of benign testicular interstital cell tumors in rats at 79.9 and 160.9 mg/kg/day, and no evidence of carcinogenicity in mice.

The committee also decided that prosulfuron was not associated with any significant reproductive or develpmental toxicity under the conditions of testing. However, this evaluation does not include evaluation of the new rabbit developmental study (already at EPA) or any other rabbit developmental studies that have been conducted but not yet submitted by the registrant.

Data which are desirable include the submission of stability data (storage and chemical), information on accuracy of the method used to verify the certified limits, experimental details of all solubility determinations, and additional plant and ruminant metabolism data.

Based on the information cited above, the Agency has determined that when used in accordance with good agricultural practice, this ingredient is useful and the tolerances will protect the public health. Therefore, EPA is proposing to establish the tolerances as described 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 active 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 Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the docket number [PP 5F4469/P650]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday throught Friday, except legal holidays.

Information submitted as a comment concerning this document may be claimed confidential by marking any or all of that information as ''Confidential Business Information'' (CBI). EPA will not disclose information so marked, except in accordance with procedures set forth in 40 CFR part 2. A second copy of such comments, with the CBI deleted, must also be submitted for inclusion in the public record. EPA may publicly disclose without prior notice information not marked confidential.

EPA has established a record for this proposed rule under docket number [PP–5F4469/P650] (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 4:00 p.m., Monday through Friday, except 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

The official record for this proposed rule, 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 proposed rule record which will also include all comments submitted directly in writing. The official proposed rule record is the paper record maintained at the ''ADDRESSES'' listed at the beginning of this document.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12866.

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 food additive regulations 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: April 3, 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. By revising § 180.481 to read as follows:

§ 180.481 Prosulfuron; tolerances for residues.

Tolerances that expire on December 31, 1999 are being established for residues of the herbicide prosulfuron 1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-

urea in or on the following raw agricultural commodities:

Commodity	Parts per million
Cereal grains group (except rice and wild rice), grain	0.01
Cereal grains group (except rice and wild rice), forage	0.10
Cereal grains group (except rice and wild rice), fodder	0.01
Cereal grains group (except rice and wild rice), straw	0.02
Cereal grains group (except rice and wild rice), hay	0.20

[FR Doc. 96–9472 Filed 4–16–96; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Part 180

[PP 0E3835/P648; FRL–5356–5]

RIN 2070–AB18

Pesticide Tolerance for Diflubenzuron

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: EPA proposes to establish a tolerance for residues of the insecticide diflubenzuron (*N*[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide) in or on the raw agricultural commodity artichokes at 6.0 parts per million (ppm). The proposed regulation to establish a maximum permissible level for residues of the insecticide was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATES: Comments, identified by the document control number [PP 0E3835/P648], must be received on or before May 17, 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 0E3835/P648]. 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 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, e-mail address: 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 0E3835) to EPA on behalf of the Agricultural Experiment Station of California. 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 180.377 by establishing a tolerance for residues of the insecticide diflubenzuron (*N*[[4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide) in or on the raw agricultural commodity artichoke at 6.0 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 1–year chronic feeding study with dogs administered 0, 2, 10, 50 or 250 mg/kg/day with a no-observed-effect level (NOEL) established at 2 mg/kg/day. Statistically significant increases in methemoglobin and sulfhemoglobin in male and female dogs were observed at dose levels of 10 mg/kg/day and higher. Signs of hemolytic anemia, destruction of erythrocytes and of compensatory regeneration of erythrocytes were observed at dose levels of 50 mg/kg/day and higher.

(2) A 2–year feeding/carcinogencity study with rats fed diets containing 0, 156, 625, 2,500, or 10,000 ppm (equivalent to 0, 7.8, 31, 125, or 500 mg/kg/day) with statistically significant increases in methemoglobin and sulfhemoglobin observed at all treatment levels tested. Signs of hemolytic anemia and increased spleen and liver weights were observed in males and females at treatment levels of 2,500 ppm and 10,000 ppm. Histological signs of erythrocyte destruction and compensatory regeneration were observed in males and females at dose levels of 156 ppm and higher. A no-observed-effect level was not established for this study, since effects were observed at the lowest dose tested. There were no carcinogenic effects observed under the conditions of this study.

(3) A 91–week carcinogenicity study with mice fed diets containing 0, 16, 80, 400, 2,000, or 10,000 ppm (equivalent to 0, 2.4, 12, 60, 300, or 1,500 mg/kg/day). Increases in methemoglobin and sulfhemoglobin were consistently observed in male and female mice at dose levels of 80 ppm and higher. Signs of hemolytic anemia, erythrocyte destruction and compensatory regeneration, and histopathological effects in the liver were observed at dose levels of 80 ppm and higher. No evidence of carcinogenicity was observed under the conditions of this study.

(4) A 2–generation reproduction study with rats fed diets containing 0, 500, 5,000, or 50,000 ppm (equivalent to 0, 25, 250, or 2,500 mg/kg/day). No effects on reproductive performance were observed in the parental adults. The NOEL for reproductive effects in the progeny is 250 mg/kg/day based on decreased body weight in the pups from birth to 21 days postpartum.

(5) Developmental toxicity studies with rats and rabbits given technical grade diflubenzuron by gavage at dose levels of 0 or 1,000 mg/kg/day with no maternal toxicity or toxicity to the developing fetus observed under the conditions of the study.

(6) Mutagenicity studies using diflubenzuron as the test material were negative. These studies included a Salmonella/mammalian microsome