

**PART 165—[AMENDED]**

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new § 165.T05030 is added to read as follows:

**§ 165.T05030 Safety Zone: Marcus Hook, PA and the Delaware Breakwater.**

(a) *Location.*—A safety zone is established for:

(1) All waters within an area which extends 500 yards on either side and 1000 yards ahead and astern of the T/V EMSGAS while the vessel is in the loaded condition and underway in the area bonded by the Delaware Breakwater and the Sun Refining and Marketing Refinery terminal at Marcus Hook, Pennsylvania.

(2) All waters within a 200 yard radius of the T/V EMSGAS while it is moored at the Sun Refining and Marketing Refinery terminal in the loaded condition.

(b) *Effective date.*—This section is effective from 12:01 a.m., May 20, 1996 and terminates at 11:59 p.m., June 2, 1996. If the conditions requiring a safety zone terminate at an earlier date, the Captain of the Port, Philadelphia, may advise mariners by Broadcast Notice to Mariners that the safety zone will not be enforced.

(c) *Regulations.*—The following regulations shall apply within the safety zone.

(1) No vessel may enter the safety zone unless its operator obtains permission of the Captain of the Port or his designated representative.

(2) As a condition of entry, the COTP or his designated representative may order that each vessel:

(i) Maintain a continuous radio guard on channels 13 and 16 VHF-FM while underway;

(ii) Not overtake the T/V EMSGAS unless the overtaking is to be completed before any bends in the channel, and the pilots, masters and operators of both vessels clearly agree on all action including speeds, time and location of overtaking.

(iii) Operate at a minimum no wake speed sufficient to maintain steerage while T/V EMSGAS is moored at the Sun Refining and Marketing Refinery terminal, at Marcus Hook, Pennsylvania;

(iv) Proceed as directed by the Captain of the Port or by his designated representative.

(d) *Designated COTP representative.*—(1) The designated representative of the Captain of the Port is any Coast Guard commissioned,

warrant, or petty officer who has been authorized by the Captain of the Port, Philadelphia, Pennsylvania to act on his behalf. The designated representative enforcing the safety zone may be contacted on VHF channels 13 & 16.

(2) The Captain of the Port of Philadelphia and the Command Duty Officer at the Marine Safety Office, Philadelphia, may be contacted at telephone number (215) 271-4940.

Dated: May 20, 1996.

John E. Veentjer,

*Captain, U.S. Coast Guard, Captain of the Port, Philadelphia, PA.*

[FR Doc. 96-13418 Filed 5-28-96; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[OPP-300416A/R2243; FRL-5371-8]

**Prosulfuron; Extension of Pesticide Tolerance**

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

**ACTION:** Final Rule.

**SUMMARY:** This rule establishes 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 corn (forage, fodder, grain and fresh [including sweet kernels plus cobs with husks removed]), milk, and meat, fat and meat by-products, of cattle, goats, hogs, horses, and sheep. The regulation was requested by Ciba-Geigy Corporation and establishes the maximum permissible level for residues of the herbicide in or on corn.

**EFFECTIVE DATE:** This regulation becomes effective May 29, 1996. These tolerances will expire on December 31, 1999.

**ADDRESSES:** Written objections and hearing requests, identified by the document control number, [OPP-300416A/R2243], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to EPA Headquarters Accounting Office Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted 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 copy of objections and hearing request to: Rm 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: oppdocket@epamail.gov.

Copies of objections and hearing requests must be submitted as an ACSII file avoiding the use of special characters and any firm of encryption. Copies of objections and hearing requests will also be accepted on disks in Word Perfect 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic hearing requests in electronic form must be identified by the docket number [OPP-300416A/R2243]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this 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), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson-Davis Hwy., Arlington, VA 22202, (703) 305-6027; e-mail: taylor.robert@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA issued a proposed rule (FRL-5349-7), in the Federal Register of March 6, 1996 (61 FR 8903) which proposed to extend the 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 corn (forage, fodder, grain and fresh [including sweet kernels plus cobs with husks removed]) at 0.01 part per million (ppm), milk at 0.01 part per million (ppm), and meat, fat and meat by-products, of cattle, goats, hogs, horses, and sheep at 0.05 part per million (ppm), to December 31, 1999. These tolerances with an expiration date were required by EPA to allow the petitioner, Ciba-Geigy Corp. to submit additional data concerning the method trial and corn metabolism and ruminant metabolism data. The petitioner has

submitted the method trial and the method 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 metabolism data.

No comments were received in response to the proposed rule.

Based on the information cited above and in the document establishing the time-limiting tolerance for prosulfuron (60 FR 24788, May 10, 1995), 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 establishing the tolerances as described below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above, 40 CFR 178.20. A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on each such issue, and a summary of any evidence relied upon by the objector, 40 CFR 178.27. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [OPP-300416A/R2243] (including objections and hearing requests 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. Written objections and hearing requests, identified by the document control number [OPP-300416A/R2243], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at: opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk 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 describes above will be kept in paper form. Accordingly, EPA will transfer any objections and hearing requests 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 objections and hearing requests submitted directly in writing. The official rulemaking record is a 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 review by the Office Of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in 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 referred to 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 the rights and obligation of recipients

thereof; 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 the 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 (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, Food additive, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 16, 1996.

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

Therefore, 40 CFR part 180 is amended as follows:

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 the date indicated in the following table are 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	Expiration date
Corn, forage .....	0.01	December 31, 1999

Commodity	Parts per million	Expiration date
Corn, fodder	0.01	Do.
Corn, grain and fresh [including sweet kernels plus cobs with husks removed]	0.01	Do.
Milk	0.01	Do.
cattle, meat	0.05	Do.
cattle, fat	0.05	Do.
cattle, kidney	0.05	Do.
cattle, liver,	0.05	Do.
cattle, meat by-products	0.05	Do.
Goats, meat	0.05	Do.
Goats, fat	0.05	Do.
Goats, kidney	0.05	Do.
Goats, liver	0.05	Do.
Goats, meat by-products	0.05	Do.
Hogs, meat	0.05	Do.
Hogs, fat	0.05	Do.
Hogs, kidney	0.05	Do.
Hogs, liver	0.05	Do.
Hogs, meat byproducts	0.05	Do.
Horses, meat	0.05	Do.
Horses, fat	0.05	Do.
Horses, kidney	0.05	Do.
Horses, liver	0.05	Do.
Horses, meat by-products	0.05	Do.
Sheep, meat	0.05	Do.
Sheep, fat	0.05	Do.
Sheep, kidney	0.05	Do.
Sheep, liver	0.05	Do.
Sheep, meat by-products	0.05	Do.

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**40 CFR Part 180**

[PP 5F4469/R2225; FRL-5357-5]

RIN 2070-AB78

**Prosulfuron; Pesticide Tolerance**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is establishing 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; cereal grains group (except rice and wild rice), forage; cereal grains group (except rice and wild rice), fodder, cereal grains group (except rice and wild rice), straw; and cereal grains group (except rice and wild rice), hay. The Agency has not completed the regulatory assessment of the science findings; therefore, these tolerances are being established with an expiration date. These tolerances were requested by the Ciba-Geigy Corporation.

**EFFECTIVE DATE:** This regulation becomes effective May 29, 1996. These tolerances will expire on December 31, 1999.

**ADDRESSES:** Written objections and hearing requests, identified by the document control number, [PP 5F4469/R2225], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket number and submitted 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 copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

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electronic objections and hearing requests must be identified by the docket number [PP 5F4469/R2225]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

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**SUPPLEMENTARY INFORMATION:** In the Federal Register of April 17, 1996 (61 FR 16742) (FRL-5357-5), EPA issued a proposed rule proposing to establish time-limited tolerances for residues of the herbicide prosulfuron on cereal grains group (except rice and wild rice), grain at 0.01 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 ppm. In the proposed rule EPA said that it was revising § 180.481; however, EPA did not intend that