wheat grain, succulent peas, potatoes, and soybeans have been canceled. **DATES:** Written comments, identified by the document control number [OPP–300375], must be received on or before March 20, 1995.

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 as a comment concerning this document 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 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 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Melissa L. Chun, Registration Support Branch (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Westfield Building, 2800 Crystal Drive, Arlington, VA, 703–308–8318.

**SUPPLEMENTARY INFORMATION: This** document proposes to revoke tolerances in 40 CFR 180.304 established under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, for residues of the herbicide oryzalin (3,5-dinitro-N4,N4dipropylsulfanilamide) in or on the following raw agricultural commodities: cottonseed, barley grain, wheat grain, succulent peas, potatoes, and soybeans. On October 10, 1989, product registrations under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for certain pesticide products containing the herbicide oryzalin were canceled. Based on the fact that oryzalin is no longer domestically registered for use on any of the above-named commodities, and a tolerance is generally not necessary for a pesticide chemical which is not registered for the particular food use, EPA now proposes to revoke the appropriate tolerances listed in 40 CFR

180.304 for residues of oryzalin. These tolerances were obtained in conjunction with the FIFRA registrations.

Because the product registrations have been canceled for more than 5 years, existing stocks of those products should be depleted, and sufficient time has elapsed for the residues to dissipate. Residues should not appear in any domestically produced commodities; therefore, the Agency is not recommending action levels in place of the tolerances.

EPA has no current information to suggest that oryzalin is used on food commodities imported to the U.S; therefore, EPA requests that interested persons submit information pertaining to whether these products are used in foreign countries and may be present in commodities grown in those countries and imported to the U.S.

Within 30 days after publication of this document in the **Federal Register**, any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, which contains oryzalin may request that this rulemaking proposal to revoke the tolerances 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 document control number, [OPP–300375]. All written comments filed in response to this notice will be available for public inspection in Rm. 1132 at the address given above from 8 a.m. and 4 p.m., Monday through Friday, except legal holidays.

## **Executive Order 12866**

Under Executive Order 12866 (58 FR 51735, Oct. 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, and the environment, public health or safety, of 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 obligations 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.

#### **Regulatory Flexibility Act**

The proposed regulatory action has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164; 5 U.S.C. 601 et seq.), and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations.

This regulatory action is intended to prevent the sale of food commodities containing pesticide residues where the subject pesticide has been used in an unregistered or illegal manner.

Since all registrations for use of oryzalin on food crops have been canceled for more than 5 years, EPA expects that no economic impact would occur at any level of business enterprises if these tolerances are revoked.

Accordingly, I certify that this proposed regulatory action does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

# List of Subjects in 40 CFR Part 180

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

Dated: January 9, 1995.

# Stephen L. Johnson,

Acting Director, 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 § 180.304, by amending paragraph (a) by revising the table therein, to read as follows:

§ 180.304 Oryzalin; tolerances for residues.

(a) \* \* \*