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: September 20, 1995.

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. 346a and 371.

2. Section 180.431 is amended in paragraph (a) in the table therein by adding and alphabetically inserting an entry for the commodity asparagus, to read as follows:

§180.431 Clopyralid; tolerances for residues.

(a) * * *

Commodity						arts per million
Asparagus 1.0						
,	*	*		*	*	*
*	*	*	*	*		
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40 CFR Part 180

[PP 5E4540/P633; FRL-4977-8]

RIN 2070-AC18

α-Alkyl (C₂₁-C₇₁)-ω-Hydroxypoly(Oxyethylene); Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA). **ACTION:** Proposed rule.

SUMMARY: This document proposes that residues of α -alkyl (C₂₁-C₇₁)- ω -hydroxypoly(oxyethylene) be exempted from the requirement of a tolerance when used at levels not to exceed 10% as a wetting agent or granule coating in pesticide formulations. Petrolite Corp. requested this regulation under the Federal Food, Drug and Cosmetic Act (FFDCA).

DATES: Comments, identified by the document control number [PP 5E4540/P633], must be received on or before October 30, 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, deliver comments to: Rm. 1132, Crystal Mall, Building #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part of 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 will be included in the public docket by the EPA without prior notice. The public docket is 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: oppdocket@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 in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 5E4540/P633]. No Confidential Business Information (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.

FOR FURTHER INFORMATION CONTACT: By mail: Amelia M. Acierto, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, Arlington, VA 22202, (703)-308-8375; email: acierto.amelia@epamail.epa.gov. **SUPPLEMENTARY INFORMATION:** Petrolite Corp., Polymers Division, 6910 East 14th St., Tulsa, OK 74112, submitted pesticide petition (PP) 5E4540 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for α -alkyl (C₂₁-C₇₁)- ω -hydroxypoly(oxyethylene) when used at levels not to exceed 10% as a wetting agent or granule coating in pesticide formulations applied to growing crops only.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the Federal Register of April 22, 1987 (52 FR 13305), the Agency set forth a list of studies which would generally be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. However, where it can be determined without these data that the inert ingredient will present minimal or no risk, the Agency generally does not require some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an inert ingredient. The Agency has decided that no data, in addition to that described below, for α -alkyl (C₂₁-C₇₁)- ω hydroxypoly(oxyethylene) will need to be submitted. The rationale for this decision is described below:

1. The rat acute oral toxicity studies with acute oral LD_{50} values varying from 410 mg/kg to 25,000 mg/kg.

2. The acute dermal toxicity studies with acute dermal LD_{50} values from 930 mg/kg to 11,800 mg/kg in rabbits and > 2,000 mg/kg in rats.

3. Mutagenicity studies including *Salmonella typhimurium* plate (Ames) tests with and without activation, structural chromosomal aberration test and other genotoxic effects tests were negative.

4. The 90-day feeding toxicity study in rats with a NOEL 15 mg/kg/day.