EPA does not wish to delay interim approval of the State's part 70 PROGRAM with respect to undisputed sources while EPA resolves this question.

In deferring final action on program approval for sources located in ''Indian Country,'' EPA is not making a determination that the State either has adequate jurisdiction or lacks such jurisdiction. Instead, EPA is deferring judgment regarding this issue pending EPA's evaluation of the State's analysis.

This interim approval, which may not be renewed, extends for a period of up to two years. During the interim approval period, the State is protected from sanctions for failure to have a program, and EPA is not obligated to promulgate a Federal permits program in the State. Permits issued under a program with interim approval have full standing with respect to part 70, and the one-year time period for submittal of permit applications by subject sources begins upon interim approval, as does the three-year time period for processing the initial permit applications.

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the part 70 program.

III. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed interim approval. Copies of the State's submittal and other information relied upon for the proposed interim approval are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed interim approval. The principal purposes of the docket are:

(1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process, and

(2) to serve as the record in case of judicial review. The EPA will consider any comments received by February 13, 1995.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 29, 1994.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 95–700 Filed 1–11–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 180

[OPP–300374; FRL–4924–9]

RIN 2070–AC18

3,5-Bis(6-Isocyanatohexyl)-2H-1,3,5-Oxadiazine-2,4,6-(3H,5H)-Trione, Polymer with Diethylenetriamine; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish an exemption from the requirement of a tolerance for residues of 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine (CAS Reg. No. 87823-33-4), when used as an inert ingredient (encapsulating agent) in pesticide formulations applied to growing crops. Miles, Inc., requested this proposed regulation.

DATES: Written comments, identified by the document control number [OPP–300374], must be received on or before February 13, 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 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). 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 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: Connie Welch, Registration Support Branch, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, 6th Floor, Arlington, VA 22202, (703) 308–8470.

SUPPLEMENTARY INFORMATION: Miles, Inc., 8400 Hawthorn Road, P.O. Box 4913, Kansas City, MO 64120–0013, submitted pesticide petition (PP) 4E4416 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA) (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 residues of 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine (CAS Reg. No. 87823–33–4), when used as an inert ingredient (encapsulating agent) in pesticide formulations applied to growing crops under 40 CFR 180.1001(d).

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 that 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 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine, will need to be submitted. The rationale for this decision is described below.

1. In the case of certain chemical substances that are defined as ''polymers,'' the Agency has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. The chemical 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine, conforms to the definition of a polymer given in 40 CFR 723.250(b)(11) and meets the following criteria that are used to identify low-risk polymers.

The minimum number-average molecular weight of 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine, is listed as 1,000,000. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal tract. Chemicals not absorbed through skin or GI tract generally are incapable of eliciting a toxic response.

2. The chemical 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine, is not a cationic polymer, nor is it reasonably expected to become a cationic polymer in a natural aquatic environment.

3. The chemical 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine, does not contain less than 32.0 percent by weight of the atomic element carbon.

4. The chemical 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine, contains as an integral part of its composition the atomic elements carbon, hydrogen, nitrogen, and oxygen.

5. The chemical 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine, does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(3)(ii).

6. The chemical 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine, is not a biopolymer, a synthetic equivalent of a biopolymer, or a dervative or modification of a biopolymer that is substantially intact.

7. The chemical 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine, is not manufactured from reactants containing, other than impurities, halogen atoms or cyano groups.

8. The chemical 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine, does not contain a reactive functional group that is intended or reasonably expected to undergo further reaction.

9. The chemical 3,5-*bis*(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine, is neither designed nor reasonably expected to substantially degrade, decompose, or depolymerize.

Based on the information above and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful, and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a 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, that contains any of the ingredients listed herein, may request within 30 days after the publication of this document 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 document control number, [OPP–300374]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 2 of Executive Order 12866.

Pursuant to the requirement 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 an 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.

Dated: December 21, 1994.

Stephen L. Johnson,

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 180.1001(d) is amended in the table therein by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	*	* * *
3,5-Bis(6-isocyanatohexyl)-2*H*-1,3,5-oxadiazine-2,4,6-(3*H*,5*H*)-trione, polymer with diethylenetriamine (CAS Reg. No. 87823-33-4); minimum number average molecular weight 1,000,000.	.....	Encapsulating agent.
* * *	*	* * *

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[FR Doc. 95–818 Filed 1–11–95; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL MARITIME COMMISSION

46 CFR Parts 515, 550, 580 and 581

[Docket No. 95–01]

Filing of Tariffs by Marine Terminal Operators; Publishing, Filing and Posting of Tariffs in Domestic Offshore Commerce; Publishing and Filing of Tariffs by Common Carriers in the Foreign Commerce of the United States; Service Contracts

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Maritime Commission proposes to remove 46 CFR Part 515, *Filing of Tariffs by Marine Terminal Operators;* 46 CFR Part 550, *Publishing, Filing and Posting of Tariffs in Domestic Offshore Commerce;* 46 CFR Part 580, *Publishing and Filing of Tariffs by Common Carriers in the Foreign Commerce of the United States;* and 46 CFR Part 581, *Service Contracts.* These regulations contain the guidelines, standards, and procedures for marine terminal operators (''MTO's'') and common carriers by water to file and publish their tariffs and/or service contract essential terms with the Commission in paper format. The Commission believes that these regulations have become unnecessary because its rules now require electronic tariff filing in the Commission's Automated Tariff Filing and Information system (''ATFI'').

DATES: Comments on or before February 13, 1995.

ADDRESSES: Comments (original and 15 copies) are to be submitted to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523–5796.

SUPPLEMENTARY INFORMATION: The Commission administers, *inter alia,* the Shipping Act, 1916 (''1916 Act''), 46 U.S.C. app. 801, *et seq.*; the Intercoastal Shipping Act, 1933 (''1933 Act''), 46 U.S.C. app. 843, *et seq.*; and the Shipping Act of 1984 (''1984 Act''), 46 U.S.C. app. 1701, *et seq.* (collectively ''Shipping Acts''), which require or authorize the Commission to require common carriers and MTO's to file with the Commission their tariffs and/or service contract essential terms. Presently, such tariffs and essential terms are required by regulation, in 46 CFR Parts 515, 580 and 581, to be filed in paper format. In February, 1993, the Commission implemented its ATFI system and directed common carriers and MTO's to file such tariffs and essential terms in electronic form into ATFI.[1] This requirement is consistent with Public Law 102–582, the *High Seas Driftnet Fisheries Enforcement Act,* section 502 which directed common carriers to ''file electronically with the Commission all tariffs and all essential terms of service contracts required to be filed'' by the 1916, 1933, or 1984 Acts.

The ATFI system is now fully operational and the Commission will no longer be accepting tariffs and/or service contract essential terms in paper form. Accordingly, the Commission proposes to remove Parts 515, 550, 580 and 581.

One matter, however, with respect to service contracts requires further discussion. When the Commission implemented its ATFI system, it directed common carriers and MTO's to file an electronic tariff and to cancel the corresponding paper instrument. However, with respect to service contract essential terms, the Commission took a different approach, recognizing that a service contract is a special arrangement between a shipper and a common carrier or a conference of carriers with a specified duration. At the time ATFI was implemented, the Commission had on file and in effect several thousand service contracts as well as their corresponding essential terms.[2] The Commission did not require carriers to convert the paper version of a service contract into electronic form. Rather, the Commission directed carriers to file, on a prospective basis, the essential terms of all newly executed service contracts into the ATFI system.

Some of the essential terms which were filed in paper form prior to the conversion to ATFI are still in effect. The Commission continues to find it unnecessary to require the conversion of these originally-filed service contract essential terms into electronic format. However, with the proposed cancellation of Part 581 the Commission will no longer accept amendments, in paper form, to these essential terms. Should the parties amend the essential terms of service contracts now in paper form, the Commission will require, consistent with its electronic filing rules in Part 514, the electronic filing of the complete, restated statement of essential terms—as amended—into ATFI.

The Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this Proposed Rule, if adopted, will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units, and small governmental organizations. ''The criteria contained in this section requires the agency head to examine both the degree of impact as well as the dispersion of that impact.'' S. Rep. No. 878, 96th Cong., 2d Sess. 14 (1980) reprinted at 1980 U.S. Code Cong. and Admin. News, p. 2788 at 2801. The Commission does not believe that the removal of Parts 515, 550, 580 and 581 under the circumstances described above will result in either significant impact or impact upon a substantial number of small entities.

This proposed rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1980, as

[1] On December 29, 1992, the Commission adopted regulations that govern the filing of tariffs and service contract essential terms in electronic format.

[2] The Commission is aware of several contracts in paper form whose terms are of several years duration. One of these contracts has a 10-year term.