

warranted products or services affected by the Act?

(a) What changes, if any, should be made to the Interpretations, Rules, and Guides to increase the benefits to consumers?

(b) How would these changes affect the costs the Interpretations, Rules, and Guides impose on firms subject to their requirements?

4. What changes, if any, should be made to the Interpretations, Rules and Guides to minimize any burden or cost imposed on firms subject to their requirements?

5. Do the Interpretations, Rules, and Guides overlap or conflict with other federal, state, or local government laws or regulations?

6. Since the Interpretations, Rules, and Guides were issued, have changed in technology or economic conditions affected the need or purpose for them?

7. What has been the effect of Rule 701 on the costs, profitability, competitiveness, and employment of small business entities?

(a) What would be the economic impact on small businesses from leaving Rule 701 unchanged?

(b) Are there regulatory alternatives that would reduce any adverse economic impact of Rule 701, yet comply with the mandate of the Magnuson-Moss Warranty Act?

(c) What are the aggregate costs and benefits of Rule 701? Are there provisions in the Rule that are not necessary to implement the Magnuson-Moss Warranty Act or that have imposed costs not outweighed by benefits? Who has benefited and who has borne the cost? Have the costs or benefits of the Rule dissipated over time?

#### List of Subjects in 16 CFR Part 700

Warranties, trade practices.

Authority: 15 U.S.C. 41-58.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96-8181 Filed 4-2-96; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 71, 170, and 171

[Docket No. 95N-0220]

RIN 0910-AA66

#### Substances Approved for Use in the Preparation of Meat and Poultry Products; Reopening of Comment Period

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The Food and Drug Administration (FDA) is reopening for 60 days the comment period for a proposed rule that appeared in the Federal Register of December 29, 1995 (60 FR 67490). The document proposed to amend FDA's regulations governing the review of petitions for the approval of food and color additives and substances generally recognized as safe (GRAS) to provide for joint review of such petitions by the Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA), when meat or poultry product uses are proposed. The closing date for submission of comments was March 14, 1996. This action is being taken in response to a request for additional time to answer comments.

**DATES:** Written comments by June 3, 1996.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** George H. Pauli, Center for Food Safety and Applied Nutrition (HFS-200), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3090.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of December 29, 1995 (60 FR 67490), FDA published a proposal to amend the regulations governing the review of petitions for the approval of food and color additives and GRAS substances to provide for joint review of such petitions by FSIS when meat or poultry product uses are proposed. By agreement between USDA and FDA, such listings would eliminate the need for a separate FSIS rulemaking to allow the use in meat and poultry products of FDA-approved substances. Interested persons were given until March 14, 1996, to submit comments on

the proposal. FSIS published a companion document in the same issue of the Federal Register (60 FR 67459) and is extending its comment period for 60 days. In response to a request for additional time to answer comments, as well as for consistency with FSIS, FDA is reopening the comment period on FDA's proposal for 60 days.

Interested persons may, on or before June 3, 1996, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 28, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96-8166 Filed 4-2-96; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

#### 29 CFR Parts 2509, 2520 and 2550

RIN 1210-AA51

#### Removal of Interpretive Bulletins and Regulations Relating to the Employee Retirement Income Security Act of 1974

**AGENCY:** Pension and Welfare Benefits Administration, Department of Labor.

**ACTION:** Proposed rule.

**SUMMARY:** This document contains a notice of a proposal to remove from the Code of Federal Regulations certain interpretive bulletins and regulations (or portions thereof) under the Employee Retirement Income Security Act of 1974 (ERISA, 29 U.S.C. 1001, *et. seq.*) that the Department of Labor (the Department) believes are obsolete (collectively, the obsolete regulations). The obsolete regulations generally provided transitional relief for plan sponsors, plan administrators, and others subject to the requirements of title I of ERISA, in coming into compliance with ERISA's requirements in the first several years following ERISA's enactment in 1974. Because the election periods or dates of applicability under these rules have expired, the Department believes that the regulations are no longer

needed. In other instances, the obsolete regulations are unnecessary because they merely provide notice of a rescission or withdrawal of prior guidance or regulations, or were rendered ineffective by a subsequent Supreme Court decision.

**DATES:** Comments must be received by June 3, 1996.

**ADDRESSES:** All written comments and requests for a public hearing (preferably three copies) should be sent to: Pension and Welfare Benefits Administration, Office of Regulations and Interpretations, Room N-5669, 200 Constitution Avenue, N.W., Washington, D.C. 20010. This notice, as well as all comments received from interested persons, will be available for public inspection in the Public Disclosure Room, Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N-5638, 200 Constitution Ave., N.W., Washington, D.C. 20210.

**FOR FURTHER INFORMATION CONTACT:** Katherine D. Lewis, Office of Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor, Rm. N-5669, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (telephone (202) 219-7461), or Vicki Shteir-Dunn, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, Rm. N-4611, 200 Constitution Ave., N.W., Washington, D.C. 20210 (telephone (202) 219-8610).

**SUPPLEMENTARY INFORMATION:** In accordance with the President's Executive Order No. 12866 of September 1993, "Regulatory Planning and Review," and the President's directive of April 24, 1995, "Regulatory Reinvention Initiative," the Department has undertaken to identify and eliminate regulations which are no longer needed. Pursuant to a review of regulations under the Employee Retirement Income Security Act of 1974 (ERISA), the Department identified 28 interpretative bulletins and regulations (or portions thereof) which it believes to be obsolete. Nearly all of these interpretative bulletins and regulations were issued over fifteen years ago. This document proposes the removal of these interpretative bulletins, regulations and paragraphs of regulations from the Code of Federal Regulations. In order to ensure that members of the public have the opportunity to comment on the proposed removal, the Department is publishing this notice as a notice of proposed rulemaking.

The proposal would remove the obsolete regulations prospectively, as of the date of publication of a final rule,

and would have no effect on their legal effectiveness prior to that date. Following is a brief description of each of the obsolete interpretative bulletins and regulations (or portions thereof) proposed for removal by the Department. All of these items are presently contained in title 29 of the Code of Federal Regulations.

#### I. Part 2509—Interpretive Bulletins Relating to the Employee Retirement Income Security Act of 1974

The Department is proposing to remove interpretative bulletins 75-1, 75-7, 76-2 and 76-3 from subchapter A, part 2509 of the Code of Federal Regulations (29 CFR §§ 2509.75-1, 2509.75-7, 2509.76-2 and 2509.76-3). In addition, the Department is proposing to remove paragraph (b) of interpretative bulletin 75-2 (29 CFR 2509.75-2).

Interpretive bulletin 75-1 outlines and clarifies section 414(c)(4) of ERISA, which provides that sections 406 and 407(a) of ERISA (relating to prohibited transactions) are not applicable to the provision of certain services between a plan and a party in interest before June 30, 1977, if certain conditions described in that section are met. Interpretive bulletin 75-7 supplemental interpretive bulletin 75-1 and provided examples of its application. Interpretive bulletins 76-2 and 76-3 merely gave notice of the rescission or withdrawal of earlier guidance relating to the definition of "seasonal industries," a matter now under the jurisdiction of the Internal Revenue Service pursuant to Reorganization Plan No. 4 of 1978. Paragraph (b) of interpretative bulletin 75-2 took the position that consideration paid for a contract or policy of insurance issued to a plan would not be considered plan assets if placed in the general account of the issuing insurance company, and therefore could not give rise to prohibited transactions. This interpretation may no longer be relied on as a result of the December 13, 1993 Supreme Court decision in *John Hancock Mutual Life Insurance Co. v. Harris Trust & Savings Bank*, 114 S. Ct. 517 (1993), and therefore, has no force or effect.

#### II. Part 2520—Rules and Regulations for Reporting and Disclosure

The Department is proposing to remove ten regulations and provisions of two other regulations from subchapter C, part 2520 of the Code of Federal Regulations (29 CFR Part 2520), pertaining to reporting and disclosure under ERISA.

From subpart C of Part 2520, the Department proposes to remove § 103-6(b)(1)(ii), which defined the current value of plan assets for purposes of schedules of reportable transactions for plan years beginning in 1975. The remainder of § 103-6(b)(1) would be revised to eliminate the reference to § 103-6(b)(1)(ii), and to otherwise conform to this change. The Department also proposes to remove § 103-7. This regulation, which provided special accounting rules for plans filing the annual report for plan years beginning in 1975, applied only with respect to plan years beginning in 1975 and not to any subsequent plan years.

The Department proposes to remove the following seven regulations from subpart D of part 2520. The Department's regulation at § 104-2 postponed the effective date of annual reporting requirements for non-calendar year plans and extended the reporting requirements under prior legislation for such plans until the end of the first plan year beginning after January 1, 1975. This regulation does not apply to subsequent plan years. The Department's regulation at § 104-3 deferred certain reporting and disclosure requirements for welfare plans, and provided an alternative method of compliance for pension plans, until May 30, 1976. The Department's regulation at § 104-5 deferred, until no later than November 16, 1977, the application of certain reporting and disclosure requirements relating to the summary plan description for welfare plans. The Department's regulation at § 104-6 provided an alternative method of compliance for pension plans which elected to defer the summary plan description reporting and disclosure requirements. The availability of the deferral expired on November 16, 1977. The Department's regulation at § 104-28 provided an extension of time for filing and disclosure of the initial summary plan description for certain employee benefit plans that became subject to part 1 of title I of ERISA on or before July 17, 1977. The regulation does not apply to any subsequent summary plan descriptions. The Department's regulation at § 104-45 provided a temporary exemption and alternative method of compliance with respect to the requirement to report insurance fees and commissions for insured plans with fewer than 100 participants. The regulation applies only to annual reports required to be filed for the plan years beginning in 1975 and 1976, and does not apply to annual reports filed for subsequent plan years.

From subpart F of part 2520, the Department proposes to remove and reserve certain paragraphs of § 104b-2 and § 104b-4, and to remove §§ 104b-5 and 104b-12.

With respect to § 104b-2, the Department proposes to revise paragraphs (b)(1) and (b)(2), and to remove and reserve paragraphs (c), (d), (e), (f) and (h). Paragraphs (b)(1) and (b)(2) establish the periods within which updated summary plan descriptions must be furnished to participants and beneficiaries receiving benefits under the plan (which differ depending on whether there have been amendments to the plan). In both cases, the periods for providing an updated summary plan description are no later than 210 days after the end of the plan year within which occurs the later of a date certain (November 16, 1983 or November 16, 1987) or a period of years after the last date a change in the information required to be disclosed by section 102 of ERISA or § 102-3 would have been reflected in the most recently distributed summary plan description. The proposed revisions to paragraphs (b)(1) and (b)(2) would eliminate the references to the dates certain.

Paragraph (c) of § 104b-2 pertained to plans making elections under § 2520.104-5 and 2520.104-6, for which the election periods expired in 1977. Paragraph (d) of the regulation provided an alternative method of compliance for plans using a Form EBS-1 with a print date of April 1975 as the summary plan description. The Form EBS-1 was eliminated in 1976. Paragraph (e) of the regulation provided an alternative method of compliance with ERISA's summary plan description requirements for plans which filed and disclosed an initial summary plan description on or before May 30, 1976, in reliance upon earlier guidance of the Department. The availability of the alternative method of compliance was conditioned on the disclosure by such plans, prior to November 16, 1977, of a statement of ERISA rights which complied with § 2520.102-3(t). Paragraph (f) of the regulation provided an alternative method of compliance for plans which were not described in paragraphs (d) or (e) and which met certain requirements. The alternative method of compliance under paragraph (f) expired on November 16, 1977. Paragraph (h) of the regulation merely refers to §§ 2520.104-5 and 2520.104-6, both of which authorize alternative methods of compliance which expired on November 16, 1977.

With respect to § 104b-4, the Department proposes to remove paragraph (d). This paragraph required

certain plans to furnish information to certain classes of participants or beneficiaries by November 16, 1977.

The Department also proposes to remove § 104b-5 and § 104b-12. The Department's regulation at § 104b-5 created a new disclosure document, the "ERISA Notice", for use as an interim disclosure document by welfare and pension benefit plans electing to use the deferral until November 16, 1977 provided under §§ 2520.104-5 and 2520.104-6. The Department's regulation at § 104b-12 provided multiemployer plans lacking records of covered participants with optional methods of distributing the first summary annual report to participants covered under the plan. The regulation generally applied to reports distributed before February 15, 1977.

### III. Part 2550—Rules and Regulations for Fiduciary Responsibility

The Department is proposing to remove eight regulations from subchapter F, part 2550 of title 29 of the Code of Federal Regulations, pertaining to fiduciary responsibility under ERISA. These include §§ 407a-3, 407a-4, 407c-3, 414b-1, 414c-1, 414c-2, 414c-3 and 414c-4, all of which provide transitional relief for the first several years following ERISA's enactment.

The Department's regulation at § 407a-3 provided plan administrators with prospective guidance clarifying the meaning of section 407(a)(3)(B) of ERISA. This guidance assisted plan administrators in determining whether their plans held qualifying employer securities and/or qualifying employer real property the fair market value of which, on any date between January 1, 1975 and December 31, 1984, did not exceed ten percent of the fair market value of the plan's assets, and thus would not be subject to the ten percent holding limitation contained in section 407(a)(3)(A) of ERISA. The period for which plan administrators needed such prospective guidance was from January 1, 1975 until December 31, 1984. Accordingly, the need for such guidance no longer exists.

The Department's regulation at § 407a-4 clarifies the requirements of section 407(a)(4) of ERISA, which required that plans divest, by December 31, 1979, 50 percent of the qualifying employer securities and qualifying real property which they would be required to divest before January 1, 1985, under section 407(a)(3) or 407(c) of ERISA. Accordingly, the transactions addressed by the regulation were transactions that were required to occur on or before December 31, 1979.

The Department's regulation at § 407c-3 describes an election plans could make, prior to January 1, 1976, to utilize an alternative method of calculating the value of employer securities for purposes of satisfying the limitations of section 407(a)(3) of ERISA on the holding of such securities or real property. The regulation also provided that after making such an election, and before January 1, 1985, the plan could not acquire any real property. There are no provisions in the regulation that remain applicable after January 1, 1985.

The Department's regulation at § 414b-1 provided guidance to plans applying to the Department of Labor, in accordance with section 414(b)(1) of ERISA, for postponement, until no later than January 1, 1976, of the effective date of certain provisions of ERISA. Applications for such postponement generally had to be submitted to the Department on or before December 31, 1974.

The Department's regulations at §§ 414c-1, 414c-2, and 414c-3 provided guidance concerning transitional rules relating to certain types of transactions prior to June 30, 1984, after which the rules became inapplicable. Specifically, § 414c-1 relates to certain loans or other extensions of credit prior to June 30, 1984; § 414c-2 relates to certain leases or joint uses of property prior to June 30, 1984; and § 414c-3 relates to certain sales, exchanges, or other dispositions of property prior to June 30, 1984. The Department's regulation at § 414c-4 provides guidance regarding a transitional rule relating to the provision of certain services until June 30, 1977, after which the rule is inapplicable.

### Executive Order 12866

The Department has determined that this proposed regulatory action is not a "significant rule" within the meaning of Executive Order 12866 concerning Federal regulations, because it is not likely to result in: (1) an annual effect on the economy of \$100 million or more, or an adverse and material effect on sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) the creation of a serious inconsistency or interference with an action taken or planned by another agency; (3) a material alteration in the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) the raising of novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

**Regulatory Flexibility Act**

This proposal will not have a significant economic impact on a substantial number of small employers.

**Paperwork Reduction Act**

This proposal is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) because it contains no "collection of information" as defined in 44 U.S.C. 3502(3).

**List of Subjects****29 CFR Part 2509**

Employee benefit plans, Pensions.

**29 CFR Part 2520**

Employee benefit plans, Pensions, Reporting requirements.

**29 CFR Part 2550**

Employee benefit plans, Pensions, Prohibited transactions.

**Authority**

For the reasons described in the preamble, Parts 2509, 2520, and 2550 of Chapter XXV of Title 29 of the Code of Federal Regulations, are proposed to be amended as set forth below:

**PART 2509—INTERPRETIVE BULLETINS RELATING TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974**

1. The authority citation for part 2509 is revised to read as follows:

Authority: 29 U.S.C. 1135. Sections 2509.75–10 and 2509.75–2 also issued under 29 U.S.C. 1052, 1053, 1054. Secretary of Labor's Order No. 1–87 (52 FR 13139).

**§ 2509.75–1 [Removed]**

2. Section 2509.75–1 is removed.

**§ 2509.75–2 [Amended]**

3. Section 2509.75–2 is amended by removing and reserving paragraph (b).

**§§ 2509.75–7, 2509.76–2, 2509.76–3 [Removed]**

4. Sections §§ 2509.75–7, 2509.76–2, 2509.76–3 are removed.

**PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE**

5. The authority citation for part 2520 continues to read as follows:

Authority: Secs. 101, 102, 103, 204, 105, 109, 110, 111(b)(2), , 111(c), and 505, Pub. L. 93–406, 88 Stat. 840–52 and 894 (29 U.S.C. 1021–25, 1029–31, 1135); Secretary of Labor's Order No. 27–74, 13–76, 1–87, and Labor Management Services Administration Order No. 2–6.

**Subpart C of Part 2520—[Amended]**

6. Section 2520.103–6 is amended by revising paragraph (b)(1) to read as follows:

**§ 2520.103–6 Definition of reportable transaction for Annual Return/Report.**

\* \* \* \* \*

(b) *Definitions.* (1) Except as provided in paragraphs (c)(2) and (d)(1)(vi) (relating to assets acquired or disposed of during the plan year), "current value" shall mean the current value, as defined in section 3(26) of the Act, of plan assets as of the beginning of the plan year, or the end of the previous plan year.

\* \* \* \* \*

7. Subpart C of part 2520 is amended by removing § 2520.103–7.

**Subpart D of Part 2520—[Amended]**

8. Subpart D of part 2520 is amended by removing §§ 2520.104–2, 2520.104–3, 2520.104–5, 2520.104–6, 2520.104–28, and 2520.104–45.

**Subpart F of Part 2520—[Amended]**

9. Section 2520.104b–2 is amended by revising paragraphs (b)(1) and (b)(2) to read as follows:

**§ 2520.104b–2 Summary plan description.**

\* \* \* \* \*

(b) *Periods for furnishing updated summary plan description.* (1) For purposes of the requirement to furnish the updated summary plan description to each participant and each beneficiary receiving benefits under the plan (other than beneficiaries receiving benefits under a welfare plan) required by section 104(b)(1) of the Act, the administrator of an employee benefit plan shall furnish such updated summary plan description no later than 210 days following the end of the plan year which occurs five years after the last date a change in the information required to be disclosed by section 102 or 29 CFR 2520.102–3 would have been reflected in the most recently distributed summary plan description (or updated summary plan description) as described in section 102 of the Act.

(2) In the case of a plan to which no amendments have been made between the end of the time period covered by the last distributed summary plan description (or updated summary plan description), described in section 102 of the Act, and the next occurring applicable date described in paragraph (b)(1) of this section, for purposes of the requirement to furnish the updated summary plan description to each participant, and to each beneficiary receiving benefits under the plan (other

than beneficiaries receiving benefits under a welfare plan), rebury by section 204(b)(1) of the Act, the administrator of an employee benefit plan shall furnish such updated summary plan description no later than 210 days following the end of the plan year which occurs ten years after the last date a change in the information required to be disclosed by section 102 or 29 CFR 2520.102–3 would have been reflected in the most recently distributed summary plan description (or updated summary plan description), as described in section 102 of the Act.

\* \* \* \* \*

**§ 2520.104b–2 [Amended]**

10. Subpart F of part 2520 is amended by removing and reserving paragraphs (c), (d), (e), (f) and (h) of § 2520.104b–2.

**§ 2520.104b–4 [Amended]**

11. Subpart F of part 2520 is amended by removing paragraph (d) of § 2520.104b–4.

**§§ 2520.104b–5, 2520.104b–12 [Amended]**

12. Subpart F of part 2520 is amended by removing §§ 2520.104b–5 and 2520.104b–12.

**PART 2550—RULES AND REGULATIONS FOR FIDUCIARY RESPONSIBILITY**

13. The authority citation for part 2550 is revised to read as follows:

Authority: 29 U.S.C. 1135. Section 2550.401b–1 also issued under sec. 102, Reorganization Plan No. 4 of 1978 (43 FR 47713, Oct. 17, 1978), effective December 31, 1978 (44 FR 1065, Jan. 3, 1979), 3 CFR, 1978 Comp., 332. Section 2550.404c–1 also issued under 29 U.S.C. 1104. Section 2550.407c–3 also issued under 29 U.S.C. 1104. Section 2550.407c–3 also issued under 29 U.S.C. 1107. Section 2550.408b–1 also issued under sec. 102 Reorganization Plan No. 4 of 1978 (43 FR 47713, Oct. 17, 1978), effective December 31, 1978 (44 FR 1065, Jan. 3, 1979), 3 CFR 1978 Comp., 332, *reprinted in* 5 U.S.C. app. at 1163 (1982), and under 29 U.S.C. 1108(b)(1). Section 2550.412–1 also issued under 29 U.S.C. 1112. Secretary of Labor's Order No. 1–87 (52 FR 13139).

**§§ 2550.407a–3, 2550.407a–4, 2550.407c–3, 2550.414b–1, 2550.414c–1, 2550.414c–2, 2550.414c–3, 2550.414c–4 [Removed]**

15. Sections 2550.407a–3, 2550.407a–4, 2550.407c–3, 2550.414b–1, 2550.414c–1, 2550.414c–2, 2550.414c–3 and 2550.414c–4 are removed.

Signed at Washington, DC, this 27th day of March, 1996.

Olena Berg,

*Assistant Secretary for Pension and Welfare Benefits, U.S. Department of Labor.*

[FR Doc. 96-7878 Filed 4-2-96; 8:45 am]

BILLING CODE 4510-29-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TN-111-1-7094b; FRL-5442-8]

#### Approval and Promulgation of Implementation Plans; Tennessee: Revisions to Chattanooga/Hamilton County Regulations for Definitions of Ambient Air Standards for Particulate Matter

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve the State implementation plan (SIP) revision submitted by the State of Tennessee for the purpose of incorporating changes to regulations for ambient air standards for particulate matter and changes to several definitions in the Chattanooga/Hamilton County portion of the Tennessee SIP. In the final rules section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** To be considered, comments must be received by May 3, 1996.

**ADDRESSES:** Written comments on this action should be addressed to Karen Borel, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Chattanooga-Hamilton County Air Pollution Control Bureau, 3511 Rossville Boulevard, Chattanooga, Tennessee 37407.

#### FOR FURTHER INFORMATION CONTACT:

Karen C. Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 x4197. Reference file TN111-01-7094.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this Federal Register.

Dated: February 15, 1996.

Phyllis P. Harris,

*Acting Regional Administrator.*

[FR Doc. 96-7918 Filed 4-2-96; 8:45 am]

BILLING CODE 6560-50-P

### 40 CFR Part 180

[OPP-300396; FRL 4971-1]

RIN 2070-AC18

#### Pesticide Chemicals; Various Tolerance Actions

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to revoke tolerances for residues of 10 pesticide chemicals in or on certain raw agricultural commodities (RACs). EPA is taking this action because there are no current registrations for these uses. The applicable registrations for these pesticide uses have been canceled because of nonpayment of maintenance fees and/or voluntary registrant company request.

**DATES:** Comments identified by the docket number, [OPP-300396], must be received on or before June 3, 1996.

**ADDRESSES:** Submit written comments by mail 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: Public Docket, Rm. 1132, Crystal Mall #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 as 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. The public docket is available for public inspection in Rm. 1132 at the above address, 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 in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [OPP-300396]. 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: Owen F. Beeder, 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 Hwy., Arlington, VA 22202, (703)-308-8351; e-mail: beeder.owen@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** This document proposes the revocation of tolerances established under section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 346a) for residues of the herbicides 2-chloro-N,N-diallylacetamide (allidochlor), chloramben, 2,3,6-trichlorophenylacetic acid (chlorfenac), chloroxuron, and diethyl-ethyl; the fungicides biphenyl, sec-butylamine, and chlorosulfamic acid; and the insecticides calcium cyanide and chlorthiophos in or on certain raw agricultural commodities (RACs). EPA is initiating this action because all registered uses of these pesticide chemicals in or on RACs have