

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]

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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 If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.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]

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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

been canceled. The registrations for these pesticide chemicals were canceled because the registrant failed to pay the required maintenance fee and/or the registrant voluntarily canceled all registered uses of the pesticide.

Because there are no current food use registrations for any of these 10 pesticide chemicals EPA proposes to immediately revoke the tolerances for all of the pesticides listed above with the exception of chloramben, chloroxuron and diethatyl ethyl. Although no usages in 1992 have been found for the herbicides chloramben, chloroxuron and diethatyl ethyl, and their registered products were canceled over 3 years ago (except for diethatyl ethyl, for which the last product was canceled in April 1993), each of the herbicides still had usages on certain crops as late as 1994 and 1995. EPA has therefore decided to delay the revocation of chloramben, chloroxuron and diethatyl ethyl until March 1, 1999, instead of immediately, to allow domestic growers who may still have stocks on hand to use up their supplies and permit any treated raw commodities and products processed from such commodities to move through marketing channels, and, therefore, result in little or no domestic impacts. EPA is effecting this delayed revocation by including an expiration date in the tolerance. An import tolerance for tomatoes is established on chlorthiophos although there is no active registration. The Agency has been advised by the registrant (E.M. Industries) that the registrant no longer has an interest in maintaining the import tolerance. Therefore, the Agency is proposing to revoke the inactive import tolerance on chlorthiophos. The Agency is not recommending the establishment of action levels in place of these regulations. Since there are no food use registrations associated with these tolerances; hence, no legal use in the United States, and since these pesticides are either not persistent, or sufficient time has elapsed since their prior use for residues to dissipate, residues should not appear in any domestically produced commodities.

The tolerances listed in 40 CFR part 180 being proposed for revocation are as follows: § 180.125 (calcium cyanide), § 180.141 (biphenyl), § 180.201 (chlorosulfamic acid), § 180.216 (chloroxuron), § 180.266 (chloramben), § 180.282 (2-chloro-N,N-diallylacetamide (allidochlor)), § 180.283 (2,3,6-trichlorophenylacetic acid) (chlorfenac), § 180.321 (sec-butylamine), § 180.398 (chlorthiophos), and § 180.402 (diethatyl-ethyl).

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, which contains the ingredient 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 Federal Food, Drug, and Cosmetic Act (FFDCA).

Interested persons are invited to submit written comments on the proposed regulation. Further, EPA is soliciting comments from anyone adversely affected by revocation of these tolerances, exemptions from tolerance, and food additive and feed additive regulations. EPA requests that anyone adversely affected by these revocations submit information pertaining to why and provide specific information as follows:

1. Are there any existing stocks of the chemicals?
2. If so, how much?
3. When will the stocks be depleted?
4. How long would the commodities treated with these chemicals be in the channels of trade?
5. Are any of these pesticide chemicals used in foreign countries?
6. Would residues of these pesticide chemicals be present in or on commodities grown in foreign countries and imported into the United States?

Comments must bear a notation indicating the document control number, [OPP-300396]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch at the above address from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under docket number [PP OPP-300396] (including comments and data 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.

Electronic comments can be sent directly to EPA at:
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.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments 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 comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

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, 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 entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; (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 this Executive Order, it has been determined that this rule is not a "significant regulatory action," because it does not meet any of the regulatory-significance criteria listed above.

This proposed rule 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 EPA has determined that it will not have a significant economic impact on any small businesses, governments, or organizations. Accordingly, I certify that this proposed rule does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

This proposed regulatory action does not contain any information collection requirements subject to review by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

This proposed rule contains no Federal mandates under Title II of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4, for State, local, or tribal governments or the private sector because it would not impose enforceable duties on them.

List of Subjects in 40 CFR Part 180

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

Dated: March 26, 1996.

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.

§ 180.125 [Removed]

2. By removing § 180.125 *Calcium cyanide; tolerances for residues.*

§ 180.141 [Removed]

3. By removing § 180.141 *Biphenyl; tolerances for residues.*

§ 180.201 [Removed]

4. By removing § 180.201 *Chlorosulfamic acid; tolerances for residues.*

5. By revising § 180.216 *Chloroxuron; tolerances for residues*, to read as follows:

§ 180.216 Chloroxuron; tolerances for residues.

A time-limited tolerance, with an expiration date of March 1, 1999, is established for negligible residues of the herbicide chloroxuron (3-[p-(p-chlorophenoxy)phenyl]-1,1-dimethylurea) and its metabolites containing the p-(p-chlorophenoxy)aniline moiety calculated as chloroxuron in or on the raw agricultural commodities: soybeans and soybean forage, carrots, celery, onions, (dry bulb), and strawberries.

6. By revising § 180.266 *Chloramben; tolerances for residues*, to read as follows:

§ 180.266 Chloramben; tolerances for residues.

A time-limited tolerance, with an expiration date of March 1, 1999, is established for negligible residues of the herbicide chloramben (3-amino-2,5-

dichlorobenzoic acid) in or on the raw agricultural commodities: dried beans; lima beans; snap beans; bean vines; cantaloupes; corn, field, forage, corn, fodder; corn, field, grain; cucumbers; peanuts; peanut forage; pigeon peas, pidgeon pea forage, peppers, pumpkins, soybeans, soybean forage, summer squash; winter squash; sunflower seed, sweet potatoes and tomatoes.

§ 180.282 [Removed]

7. By removing § 180.282 *2-Chloro-N,N-diallylacetamide; tolerances for residues.*

§ 180.283 [Removed]

8. By removing § 180.283 *2,3,6-Trichlorophenylacetic acid; tolerances for residues.*

§ 180.321 [Removed]

9. By removing § 180.321 *sec-Butylamine; tolerances for residues.*

§ 180.398 [Removed]

10. By removing § 180.398 *Chlorthiophos; tolerances for residues.*

11. By revising § 180.402 *Diethatyl-ethyl*, to read as follows:

§ 180.402 Diethatyl-ethyl; tolerances for residues.

A time-limited tolerance, with an expiration date of March 1, 1999, is established for negligible residues of the herbicide diethatyl-ethyl and its metabolites determinable as the N-acetyl N-(2,6-diethylphenyl) glycine derivative in or on the raw agricultural commodities: red beet roots, red beet tops, spinach, sugar beet roots and sugar beet tops.

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40 CFR Part 261

[FRL-5448-4]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is proposing to grant a petition submitted by United Technologies Automotive (UTA), Detroit, Michigan, to exclude (or "delist"), conditionally, on a one-time, upfront basis, a certain solid waste generated by UTA's chemical stabilization treatment of lagoon sludge at the Highway 61 Industrial Site in Memphis, Tennessee, from the lists of

hazardous wastes in §§ 261.31 and 261.32. Based on careful analyses of the waste-specific information provided by the petitioner, the Agency has concluded that UTA's petitioned waste will not adversely affect human health and the environment. This action responds to UTA's petition to delist this waste on a "generator-specific" basis from the hazardous waste lists. If the proposed decision is finalized, the petitioned waste will not be subject to regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA).

The Agency is also proposing to use two methods to evaluate the potential impact of the petitioned waste on human health and the environment: (1) A fate and transport model (the EPA Composite Model for Landfills, "EPACML" model), based on the waste-specific information provided by the petitioner; and (2) the generic delisting levels in § 261.3(c)(2)(ii)(C)(1) for nonwastewater residues generated from treatment of the listed hazardous waste F006, by high temperature metal recovery (HTMR). Specifically, EPA proposes to use the EPACML model to calculate the concentration of each hazardous constituent that may be present in an extract of the petitioned waste obtained by means of the Toxicity Characteristic Leaching Procedure (TCLP), which will not have an adverse impact on groundwater if the petitioned waste is delisted and then disposed in a Subtitle D landfill. EPA will compare the concentration for each hazardous constituent calculated by the EPACML model to the generic delisting level for that constituent in § 261.3(c)(2)(ii)(C)(1). EPA proposes to use the lower of these two concentrations as the delisting level for each hazardous constituent in the waste.

DATES: EPA is requesting public comments on this proposed decision and on the applicability of the fate and transport model and the generic delisting levels used to evaluate the petition. Comments will be accepted until May 20, 1996. Comments postmarked after the close of the comment period will be stamped "late."

Any person may request a hearing on this proposed decision by filing a request with Richard D. Green, Acting Director of the Waste Management Division, EPA, Region 4, whose address appears below, by April 18, 1996. The request must contain the information prescribed in § 260.20(d).

ADDRESSES: Send three copies of your comments to Jeaneanne M. Gettle, Acting Chief, RCRA Compliance Section, U.S. Environmental Protection