

tumor response associated with imazalil. Closely related compounds with the chlorinated benzene moiety, e.g., etaconazole, cyproconazole, tebuconazole, induced hepatocellular adenomas, and malignant carcinomas in both sexes of several strains of mice. The mutagenicity data for imazalil did not indicate genotoxic activity; however, a data gap was identified and additional testing is required.

B. Proposed Food Additive Revocations

Acephate. EPA is proposing to revoke the food additive regulation of 0.02 ppm for the combined residues of acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite, methamidophos, set to cover use of the pesticide in food-handling establishments. This food additive regulation is codified at 40 CFR 185.100. EPA is proposing to revoke this food additive regulation because the Agency has determined that acephate induces cancer in animals. Thus, the regulation violates the Delaney clause in section 409 of the FFDCA.

Triadimefon. EPA is proposing to revoke the food additive regulations for triadimefon (1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone) and its metabolite *beta*-(4-chlorophenoxy)-*alpha*-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol set to cover residues in or on milled fractions of barley (except flour) and milled fractions of wheat (except flour). The food additive regulations, which are codified at 40 CFR 185.800, are set at 4 ppm. EPA is proposing to revoke these food additive regulations because the Agency has determined that triadimefon induces cancer in animals. Thus, the regulations violate the Delaney clause in section 409 of the FFDCA.

Iprodione. EPA is proposing to revoke the food additive regulations for iprodione [3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide], its isomer [3-(1-methyl-ethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide], and its metabolite [3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide] set to cover residues in dried ginseng at 4 ppm and raisins at 300 ppm. The food additive regulations for iprodione are codified at 40 CFR 185.3750. EPA is proposing to revoke these food additive regulations because the Agency has determined that iprodione induces cancer in animals. Thus, the regulation violates the Delaney clause in section 409 of the FFDCA.

Imazalil. EPA is proposing to revoke the food additive regulation for imazalil set to cover residues of the fungicide imazalil 1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1H-imidazole and its metabolite 1-(2,4-dichlorophenyl)-2-(1H-imidazole-1-yl)-1-ethanol in citrus oil at a level of 25 ppm. This food additive regulation is codified at 40 CFR 185.3650. EPA is proposing to revoke this food additive regulation because the Agency has determined that imazalil induces cancer in animals, and thus violates the Delaney clause in section 409 of the FFDCA.

III. Consideration of Comments

Any interested person may submit comments on this proposed action on or before April 18, 1995 at the address given in the section above entitled "ADDRESSES." Before issuing final actions, EPA will consider all relevant comments. Comments should be limited only to the pesticides and food additive regulations subject to this proposed notice. After consideration of comments, EPA will issue a final order determining whether revocation of the regulations is appropriate and making a final finding on whether these pesticides induce cancer within the meaning of the Delaney clause. Such order will be subject to objections pursuant to section 409(f) (21 U.S.C. 348(f)). Failure to file an objection within the appointed period will constitute waiver of the right to raise issues resolved in the order in future proceedings.

IV. Executive Order 12866

Since this proposed action is being taken under the Delaney clause, which requires the Agency to act without considering the costs or benefits of the action, the Agency has not completed an evaluation of the economic impacts of this particular action. Nevertheless, pursuant to an agreement between EPA and OMB, this action was submitted to OMB for an informal 10-day review. As required by the Executive Order, any comments or changes made in response to OMB suggestions or recommendations have been documented in the public record. In addition, the Agency welcomes any comments and information regarding the impacts of this proposed action. These could contribute to an analysis of the impacts of similar future actions.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1164, 5 U.S.C. 601 et seq.) requires EPA to analyze regulatory options to assess the economic impact on small businesses,

small governments, and small organizations. As explained above, the Agency is compelled to take this action without regard to the economic impacts. Again, EPA welcomes any information on impacts to small businesses, governments, and organizations.

VI. Paperwork Reduction Act

This order does not contain any information collection requirements subject to review by Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 185

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additives, Pesticides and pests, Recording and recordkeeping requirements.

Dated: January 10, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 185 be amended as follows:

PART 185—[AMENDED]

1. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

§ 185.100 [Removed]

2. By removing § 185.100.

§ 185.800 [Removed]

3. By removing § 185.800.

§ 185.3650 [Removed]

4. By removing § 185.3650.

§ 185.3750 [Removed]

5. By removing § 185.3750

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BILLING CODE 6560-50-F

40 CFR Part 180

[OPP-300375; FRL-4926-6]

RIN 2070-AC18

Oryzalin; Revocation of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revoke tolerances for residues of the herbicide oryzalin in or on various raw agricultural commodities. EPA is taking this action because registered uses of oryzalin for cottonseed, barley grain,

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- N^4, N^4 -dipropylsulfanilamide) 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) * * *

Commodity	Parts per million
Almonds, hulls	0.05
Avocados	0.05
Citrus fruits	0.05
Figs	0.05
Kiwifruits	0.05
Nuts	0.05
Olives	0.05
Pistachios	0.05
Pome fruits	0.05
Pomegranates	0.05
Small fruits	0.05
Stone fruits	0.05

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BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-1, RM-8527]

Radio Broadcasting Services; Hamilton, Montana

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Benedict Communicatins, Inc. proposing the allotment of Channel 251C3 to Hamilton, Montana, as that community's second FM broadcast service. The coordinates for Channel 251C3 are 46-14-36 and 114-09-30. Canadian concurrence will be requested for this allotment.

DATES: Comments must be filed on or before March 6, 1995, and reply comments on or before March 21, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: James R. Bayes, Jerry V. Haines, Wiley, Rein & Fielding, 1776 K Street, NW, Washington, D. C. 20006.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-1, adopted January 4, 1995, and released January 12, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision

may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW, Suite 140, Washington, D.C. 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-1156 Filed 1-17-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-2; RM-8502]

Radio Broadcasting Services; Charlotte Amalie, Virgin Islands

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Virgin Islands Youth Development Radio, Inc., proposing the allotment of Channel 275A at Charlotte Amalie, Virgin Islands, and its reservation for noncommercial educational use. Channel 275A can be allotted to Charlotte Amalie in compliance with the Commission's minimum distance separation requirements with the imposition of a site restriction of 10.6 kilometers (6.6 miles) northwest. The coordinates for Channel 275A at Charlotte Amalie are North Latitude 18-21-20 and West Longitude 64-01-45.

DATES: Comments must be filed on or before March 6, 1995, and reply comments on or before March 21, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Leo Morone, President,

Virgin Islands Youth Development Radio, Inc., P.O. Box 2477, St. Thomas, Virgin Islands 00803 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-2, adopted January 4, 1995, and released January 12, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-1157 Filed 1-17-95; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of 90-day Finding on the Petition To List the Sturgeon Chub and Sicklefin Chub as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the sturgeon