ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division (3AT00), U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the EPA office listed above; and the West Virginia Department of Environmental Protection, Office of Air Quality, 1558 Washington Street, East, Charleston, West Virginia, 25311.

FOR FURTHER INFORMATION CONTACT: Christopher Cripps, (215) 597–0545, at the EPA Regional Office address listed above.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: November 10, 1994.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 95–2400 Filed 1–31–95; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 52

[MA39–1–67726; A–1–FRL–5136–8]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Massachusetts; Substitution of the California Low Emission Vehicle Program for the Clean Fuel Fleet Program (Opt Out)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts to fulfill the requirement that the Commonwealth submit either the Clean Fuel Fleet Program or a substitute program that meets the requirements of the Clean Air Act. The Commonwealth has submitted such a substitute measure for the required program. On November 15, 1993, the Commonwealth of Massachusetts formally submitted a revision to their SIP to require the sale of California certified low emitting vehicles in Massachusetts beginning with model year 1995. Further, on May 11, 1994, the Commonwealth formally notified EPA of its decision to substitute Massachusetts' version of the California Low Emission Vehicle (MA LEV) Program for the Clean Fuel Fleet (CFF) Program as provided for in section 182(c)(4)(B) of the Clean Air Act (CAA). In the Final Rules Section of this **Federal Register**, EPA is approving the Commonwealth's SIP revision, as a direct final rule without prior proposal. A detailed rationale for the action is set forth in the direct final rule. If no adverse comments are received in response to that direct final 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. 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: Comments must be submitted by March 3, 1995.

ADDRESSES: Comments may be mailed to Linda M. Murphy, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: Damien F. Houlihan, (617) 565–3266.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of this **Federal Register**.

Dated: December 19, 1994.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 95–2492 Filed 1–31–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 180

[OPP–300376; FRL–4928–4]

RIN 2070–AC18

Isopropyl Myristate; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that isopropyl myristate be exempted from the requirement of a tolerance when used as a solvent in pesticide formulations. Technology Sciences Group, Inc., on behalf of Sumitomo Chemical Co., Ltd., requested this proposed rule.

DATES: Comments, identified by the document control number, [OPP-300376], must be received on or before March 3, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person deliver comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part of all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by the EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Amelia M. Acierto, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, Arlington, VA 22202, (703)-308-8375.

SUPPLEMENTARY INFORMATION: Technology Sciences Group, Inc., Pesticide Division, Steuart Street Tower 2700, One Market Plaza, San Francisco, CA 94105-1475, submitted pesticide petition (PP) 3E04245 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(c) and (e) by establishing exemptions from the requirement of a tolerance for isopropyl myristate when used as a solvent in pesticide formulations applied to growing crops, raw agricultural commodities, and animals.

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 isopropyl myristate will need to be submitted. The rationale for this decision is described below:

1. An acute oral toxicity study with an acute oral LD_{50} of greater than 42,400 mg/kg in mice and 14,000 mg/kg in rats.

2. The intraperitoneal acute toxicity studies with LD_{50} of greater than 67,800 mg/kg in rats and greater than 42,800 mg/kg in mice.

3. An acute dermal study with LD_{50} of greater than 67,829 mg/kg in rats and greater than 5,000 mg/kg in rabbits.

4. A rabbit primary eye irritation study using isopropyl myristate produced minimal irritation and cleared within 7 days.

5. A rabbit primary dermal irritation study showing minimal irritation.

6. A guinea pig dermal sensitization study producing no evidence of dermal sensitization.

7. A rat acute inhalation toxicity study with LC_{50} greater than 33–41 mg/liter in rats indicating that isopropyl myristate is of minimal concern.

8. A 4-week rabbit dermal subchronic study with applications of 16 to 47 percent isopropyl myristate in rabbits at 1,700 and 2,000 mg/kg did not produce any systemic toxicity.

9. A 12-week intramascular injection of 25 percent isopropyl myristate at 256 mg/kg in rats, 119 mg/kg in dogs, and 128-282 mg/kg in monkeys produced minor local skin effects and no systemic toxicity effects.

10. A 13-week inhalation study using 16 to 20 percent isopropyl myristate showed lung enlargements in guinea pigs at 224 mg/m^3 and monkeys at 5.3 to 37 mg/m^3.

11. Rabbit and mice dermal carcinogenicity studies showed that isopropyl myristate is not carcinogenic when applied chronically on the skin of mice at 3.4 mg/kg for 18 months and for 110 weeks and on rabbits at 68, 340, and 680 mg/kg for 160 weeks. A mixture of isopropyl myristate and isopropyl alcohol accelerated the carcinogenic activity of benzo-pyrene when applied on the skin of mice.

12. A metabolism study showed that isopropyl myristate is hydrolyzed to normal metabolic products, namely isopropyl alcohol and myristic acid.

13. Isopropyl myristate Ames Assay produced a negative result.

The Agency does not have data from two subchronic developmental toxicity and two mutagenicity studies which are part of the toxicology data typically required to be submitted in support of a tolerance exemption request. However, based upon isopropyl myristate's lack of carcinogenicity, mutagenicity (Ames Test) and low acute toxicity from oral, dermal, inhalation, or parenteral toxicity studies, the Agency does not believe that isopropyl myristate poses significant risks under the proposed conditions of use. No further studies are required. In addition, isopropyl myristate is likely metabolized to isopropyl alcohol, which is exempt from tolerance requirements under 40 CFR 180.1001 (c), (d), and (e), and myristic acid, which is an edible fatty acid.

Based upon the above information 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, which contains any of the ingredients listed herein, may request within 30 days after 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.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300376]. 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 3 of Executive Order 12866.

Pursuant to the requirements 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 a significant 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, Recording and recordkeeping requirements.

Dated: January 23, 1995.

Lois Rossi,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows

Part 180—[Amended]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1001 is amended in paragraphs (c) and (e) in the tables therein by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * * * * *		
Isopropyl myristate, CAS Reg. No. 110-27-0	.....	Solvent
* * * * * * *		

* * * * *

(e) * * *

Inert ingredients	Limits	Uses
* * * * * * *		
Isopropyl myristate, CAS Reg. No. 110-27-0	.....	Solvent
* * * * * * *		

[FR Doc. 95–2442 Filed 1–31–95; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Part 261

[SW–FRL–5148–7]

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) is proposing to grant a petition submitted by the U.S. Department of Energy (DOE), Richland, Washington, to exclude certain wastes to be generated by a treatment process at its Hanford facility from being listed hazardous wastes. The Agency has concluded that the disposal of these wastes, after treatment, will not adversely affect human health or the environment. This action responds to a delisting petition submitted under § 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a ''generator-specific'' basis from the hazardous waste lists. This proposed decision is based on an evaluation of the treatment process and waste-specific information provided by the petitioner. If this proposed decision is finalized, the petitioned wastes will be conditionally excluded from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

The exclusion will allow DOE to proceed with critical cleanup at the Hanford site. The primary goal of cleanup is to protect human health and the environment by reducing risks from unintended releases of hazardous wastes that are currently stored at the site.

The Agency is also proposing the use of a fate and transport model to evaluate the potential impact of the petitioned waste on human health and the environment, based on the waste-specific information provided by the petitioner. This model has been used to predict the concentration of hazardous constituents that may be released from the petitioned waste, at the time of disposal, which will not harm human health or the environment.

DATES: EPA is requesting public comments on today's proposed decision, the applicability of the fate and transport model used to evaluate the petitioned wastes, and on the verification testing conditions which will ensure that petitioned wastes are non-hazardous. Comments must be submitted by March 3, 1995. Because of an existing settlement agreement (consent order) on remediation of the Hanford site that requires DOE to have a final delisting in place by June 1995 or before, no extension to the comment period will be granted. 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 the Director, Characterization and Assessment Division, Office of Solid Waste, whose address appears below, by February 16, 1995. The request must contain the information prescribed in § 260.20(d).

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (Mail Code 5305), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. A third copy should be sent to Jim Kent, Waste Identification Branch, CAD/OSW (Mail Code 5304), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Identify your comments at the top with this regulatory docket number: ''F–95–HNEP–FFFFF''.

Requests for a hearing should be addressed to the Director, Characterization and Assessment Division, Office of Solid Waste (Mail Code 5304), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

The RCRA regulatory docket for this proposed rule is located at the U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, and is available for viewing (Room M2616) from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (202) 260–9327 for appointments. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at a cost of $0.15 per page for additional copies.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline, toll free at (800) 424–9346, or at (703) 412–9810. For technical information concerning this notice, contact Narendra Chaudhari, Office of Solid Waste (Mail Code 5304), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260–4787.

SUPPLEMENTARY INFORMATION:

Preamble Outline

I. Disposition of Delisting Petition
A. Site History
B. Petition for Exclusion
II. Background
A. Authority
B. Regulatory Status of Mixed Wastes
III. Proposed Exclusion
A. Background
1. Approach Used to Evaluate this Petition
2. Overview of Treatment Process
B. Agency Analysis
C. Agency Evaluation
D. Conclusion