

FOR FURTHER INFORMATION CONTACT:
Peg Boland, Ecosystem Management
Staff, 202-205-0917.

Dated: July 13, 1995.

Gray F. Reynolds,

Deputy Chief, National Forest System.

[FR Doc. 95-17724 Filed 7-14-95; 12:25 pm]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MT25-1-6541b; FRL-5251-9]

Approval and Promulgation of Air Quality Implementation Plans; Montana

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the EPA is proposing action on the revisions to the Montana State Implementation Plan (SIP) submitted by the Governor on May 17, 1994. The submittal included, among other things, revisions to the State's nonattainment new source review (NSR) and prevention of significant deterioration (PSD) permitting regulations and revisions to address other outstanding deficiencies. In the final rules section of this **Federal Register**, the EPA is acting on the State's SIP submittal in a direct final rule without prior proposal because the Agency views this submittal as noncontroversial and anticipates no adverse comments. A detailed rationale for the partial approval/partial disapproval 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 rule. If the EPA receives adverse comments, then the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.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 notice should do so at this time.

DATES: Comments on this proposed action must be received in writing by August 17, 1995.

ADDRESSES: Written comments should be addressed to Vicki Stamper, 8ART-AP, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations:

Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466; and Air Quality Division, Montana Department of Health and Environmental Sciences, P.O. Box 200901, Cogswell Building, Helena, Montana 59620-0901.

FOR FURTHER INFORMATION CONTACT:
Vicki Stamper, 8ART-AP,
Environmental Protection Agency,
Region VIII, 999 18th Street, suite 500,
Denver, Colorado 80202-2466, (303)
293-1765.

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

Dated: June 23, 1995.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 95-17213 Filed 7-17-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 180

[PP 0F3834/P621; FRL-4964-6]

Quizalofop-P Ethyl Ester; Pesticide Tolerance

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish a tolerance for the residues of the herbicide quizalofop-p ethyl ester [ethyl (R)-(2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxy])propanoate], and its acid metabolite quizalofop-p [R-(2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxy])propanoic acid], and the S enantiomers of both the ester and the acid, all expressed as quizalofop-p-ethyl ester, in or on the raw agricultural commodity lentils at 0.05 part per million (ppm). The regulation was requested by the E.I. du Pont de Nemours & Co., Inc., and establishes the maximum permissible level for residues of the herbicide in or on lentils.

DATES: Comments, identified by the document control number [PP 0F3834/P621], must be received on or before August 17, 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 may be disclosed publicly by EPA without prior notice. All written comments will be available for public notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, 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: oppdocket@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 [PP 0F3834/P621]. 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, Robert J. Taylor, Product Manager (PM-25), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6027; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of February 22, 1990 (55 FR 6311), which announced that the E.I. du Pont de Nemours & Co., Inc., Walkers Mill Bldg., Barley Mill Plaza, Wilmington, DE 19880, had submitted pesticide petition (PP) 1F3951 to EPA proposing that under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), 40 CFR 180.441 be amended by establishing a regulation to permit the combined residues of the herbicide quizalofop ethyl (ethyl-(2-[4-(6-chloroquinoxalin-2-yl)oxy)phenoxy]propanoate)), its metabolite 2-[4-(6-chloroquinoxalin-2-yl)oxy]phenoxy]propanoic acid, and conjugates, all

expressed as quizalofop ethyl, in or on lentils, dry beans, and dry peas at 0.05 ppm.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

The petitioner subsequently amended the petition and proposed to establish a tolerance for residues of the herbicide quizalofop-p ethyl ester [ethyl (*R*)-(2-[4-(6-chloroquinoxalin-2-yl)oxy]phenoxy)]-propanoate and its acid metabolite quizalop-p-[*R*-(2-[4-(6-chloroquinoxalin-2-yl)oxy]phenoxy)]propanoic acid, and the *S* enantiomers of both the ester and acid, all expressed as quizalofop-p ethyl ester, in or on the raw agricultural commodity lentils at 0.05 ppm.

The petitioner withdrew the proposals for dry beans and dry peas at 0.05 ppm. Because it has been longer than 5 years since the original proposal, the tolerance of 0.05 ppm for lentils is being proposed for 30 days to allow for public comment.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below considered in support of this tolerance.

1. Several acute toxicology studies placing technical-grade quizalofop ethyl in toxicity Category III.

2. An 18-month carcinogenicity study with CD-1 mice fed dosages of 0, 0.2, 1.5, 12, and 48 mg/kg/day with no carcinogenic effects observed under the conditions of the study at levels up to and including 12 mg/kg/day and a marginal increase in the incidence of hepatocellular tumors at 48 mg/kg/day HDT (highest dose tested), which exceeded the maximum tolerated dose (MTD).

3. A 2-year chronic toxicity/carcinogenicity study in rats fed dosages of 0, 0.9, 3.7, and 15.5 mg/kg/day for males and 0, 1.1, 4.6, and 18.6 mg/kg/day for females, with no carcinogenic effects observed under the conditions of the study at levels up to and including 18.6 g/kg/day (HDT) and a systemic NOEL of 0.9 mg/kg/day based on altered red cell parameters and slight/minimal centrilobular enlargement of the liver at 3.7 mg/kg/day.

4. A 1-year feeding study in dogs fed dosages of 0, 0.625, 2.5, and 10 mg/kg/day with NOEL of 10 mg/kg/day (HDT).

5. A developmental toxicity study in rats fed dosage levels of 0, 30, 100, and 300 mg/kg/day (HDT), with a maternal toxicity NOEL of 30 mg/kg/day and a developmental toxicity NOEL of greater than 300 mg/kg/day (HDT).

6. A developmental toxicity study in rabbits fed dosage levels of 0, 7, 20, and

60 mg/kg/day with no developmental effects noted at 60 mg/kg/day (HDT), and a maternal toxicity NOEL of 20 mg/kg/day based on decreases in food consumption and body weight gain at 60 mg/kg/day (HDT).

7. A two-generation reproduction study in rats fed dosages of 1, 1.25, 5, and 20 mg/kg/day with a reproductive (developmental) NOEL of 1.25 mg/kg/day based on an increase in liver weight and increase in the incidence of eosinophilic changes in the liver at 5.0 mg/kg/day and a parental NOEL of 5.0 mg/kg/day based on decreased body weight and pre-mating weight gain in males at 20 mg/kg/day (HDT).

8. Mutagenicity data included gene mutation assays with *E. coli* and *S. typhimurium* (negative); DNA damage assays with *B. subtilis* (negative) and a chromosomal aberration test in Chinese hamster cells (negative).

The Carcinogenicity Peer Review Committed (CPRC) of HED has evaluated the rat and mouse cancer studies on quizalofop along with other relevant short-term toxicity studies, mutagenicity studies, and structure-activity relationships. The CPRC concluded, after three meetings and an evaluation by the OPP Science Advisory Panel, that the classification should be a category D (not classifiable as to human cancer potential). No new cancer studies were required.

The Category D classification is based on an approximate doubling in the incidence of male mice liver tumors between controls and the high dose. This finding was not considered strong enough to warrant the finding of a Category C (possible human carcinogen) since the increase was of marginal statistical significance, occurred at a high dose which exceeded the predicted MTD, and occurred in a study in which the concurrent control for liver tumors was somewhat low as compared to the historical controls, while the high dose control group was at the upper end of previous historical control groups.

Based on the NOEL of 0.9 mg/kg/bwt/day in the 2-year rat feeding study, and using a hundredfold uncertainty factor, the reference dose (RfD) for quizalofop ethyl is calculated to be 0.009 mg/kg/bwt/day. The theoretical maximum residue contribution (TMRC) is 0.000218 mg/kg/bwt/day for existing tolerances for the overall U.S.

population. The current action will increase the TMRC by less than 0.000001 mg/kg/bwt/day. These tolerances and previously established tolerances utilize a total of 2.4 % of the RfD for the overall U.S. populations, with all exposure coming from published uses. For U.S. subgroup

populations, nonnursing infants and children aged 1 to 6 years, the current action and previously established tolerances utilize, respectively a total of 10.2 percent and 5.76 percent of the RfD, with all exposure coming from previously established tolerances, assuming that residue levels are at the established tolerances and that 100 percent of the crop is tested.

The nature of the residue is adequately understood, and an adequate analytical methodology (high-pressure liquid chromatography using either ultraviolet or fluorescence detection) is available for enforcement purposes in Vol. II of the Food and Drug Administration Pesticide Analytical Method (PAM II, Method I). There are currently no actions pending against the registration of this chemical. No secondary residues are expected to occur in meat, milk, poultry, or eggs from this use.

Based on the information cited above, the Agency has determined that when used in accordance with good agricultural practice, this ingredient is useful and that the tolerance established by amending 40 CFR part 180 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration 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 [PP 0F3834/P621]. 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 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under docket number [PP 0F3834/P621] (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.

The Office of Management and Budget has exempted this rule from the requirements 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 food additive regulations or raising tolerance levels or food additive regulations 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

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

Dated: June 28, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

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

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

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

2. In § 180.441, by revising paragraph (c), to read as follows:

§ 180.441 Quizalofop ethyl; tolerances for residues.

* * * *

(c) Tolerances are established for the combined residues of the herbicide quizalofop-p ethyl ester [ethyl (R)-(2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxy]-propanoate], and its acid metabolite quizalofop-p [R-(2-(4-((6-chloroquinoxalin-2-yl)oxy)phenoxy))propanoic acid], and the S enantiomers of both the ester and the acid, all expressed as quizalofop-p-ethyl ester, in or on the following raw agricultural commodities:

| Commodity | Parts per million |
|------------------|-------------------|
| Cottonseed | 0.05 |
| Lentils | 0.05 |

[FR Doc. 95-17129 Filed 7-17-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 300

[FRL-5259-9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete NAS Whidbey Island Seaplane Base (site) from the National Priorities List: Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the NAS Whidbey Island Seaplane Base site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Washington Department of Ecology (Ecology) have determined that all appropriate CERCLA actions have been implemented and that no further cleanup is necessary. Moreover, the State and EPA has determined that the remedial activities conducted at the site to date have been protective of public health, welfare and the environment.

DATES: Comments concerning this Site may be submitted on or before August 17, 1995.

ADDRESSES: Comments may be mailed to: R. Matthew Wilkening, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop: HW-124, Seattle, Washington 98101-9797.

Comprehensive information on this Site is available through the U.S. Navy's public docket which is available for viewing at the NAS Whidbey Island Seaplane Base repositories at the following locations:

- Engineering Field Activity, NW (primary Admin. Record loc.) Naval Facilities Engineering Command, 19917 7th Ave. Poulsbo, Washington
- Oak Harbor Library, 7030 70th N.E., Oak Harbor, Washington
- Sno-Isle Regional Library System, Coupeville Library, 788 N.W. Alexander, Coupeville, Washington
- NAS Whidbey Island Library (for those with base access) 115 W. Lexington St., Oak Harbor, Washington.

FOR FURTHER INFORMATION CONTACT: R. Matthew Wilkening, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop: HW-124, Seattle, Washington 98101-9797, (206) 553-1284.

SUPPLEMENTARY INFORMATION:

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- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis of Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) Region 10 announces its intent to delete NAS Whidbey Island Seaplane Base from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and requests comments on this proposed deletion. EPA identifies sites that appear to present a significant risk to human health or the environment and maintains the NPL as a list of those sites. As noted in Section 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such actions.

EPA will accept comments on the proposal to delete this Site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the NAS Whidbey Island Seaplane Base Site and explains how the Site meets the deletion criteria.