does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

The OMB has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7671q.

Dated: July 10, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95–18371 Filed 7–25–95; 8:45 am]

BILLING CODE 6560–50–W

40 CFR Part 180

[PP 3F2792/P622; FRL–4966–2]

RIN 2070–AC18

Pesticide Tolerance for Pendimethalin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish tolerances for the combined residues of the herbicide pendimethalin (*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine) and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the raw agricultural commodities pea pods, shelled peas, pea vines, and peas plus pods each at 0.1 part per million (ppm). The American Cyanamid Co. requested this proposed regulation to establish a maximum permissible level for residues of the herbicide in a petition submitted under the Federal Food, Drug and Cosmetic Act (FFDCA).

DATES: Comments, identified by the document control number [PP 3F2792/P622], must be received on or before August 25, 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 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: 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 [PP 3F2792/P622]. 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 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)-305-6800; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of January 1, 1983 (48 FR 1350), which announced that American Cyanamid Co. had submitted pesticide petition (PP) 3F2792 to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), amend 40 CFR 180.361 by establishing a tolerance for the combined residues of the herbicide pendimethalin, in or on the raw agricultural commodities pea pods, shelled peas, pea vines, and peas plus pods each at 0.1 part per million (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 the combined residues of pendimethalin and its metabolite in or on the raw agricultural commodities of the legume vegetables (succulent or dried) group at 0.1 ppm and in or on the foliage of legume vegetables group at 0.1 ppm. The petition was later revised to propose tolerances for the combined residues of pendimethalin and its metabolite in or on peas (except field peas) pursuant to 40 CFR 180.1(h).

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include:

1. Results of acute oral, dermal and inhalation studies, primary eye irritation studies, and primary dermal irritation and sensitization studies placing technical-grade pendimethalin in Toxicity Category III.

2. A subchronic feeding study with rats fed dosages of 0, 10, 50, or 500 milligrams/kilogram/day (mg/kg/day) with no-observable-effect level (NOEL) of 50 mg/kg/day based on decreased hematocrit and hemoglobin levels in males, decreased body weight gain and food consumption, and hypertrophy of the liver accompanied by increased liver weights at 500 mg/kg/day.

3. A chronic feeding study in dogs fed dosages of 0, 12.5, 50, or 200 mg/kg/day with a NOEL of 12.5 mg/kg/day based on an increase in serum alkaline phosphatase and increased liver weights and hepatic lesions at 50 mg/kg/day.

4. A chronic feeding/carcinogenicity study in rats fed dosages of 0, 5, 25, or 50 mg/kg/day with a statistically significant increased trend and pairwise comparison between the high-dosed group and the control for thyroid follicular cell adenomas in male and female rats. The systemic NOEL is 5 mg/kg/day based on pigmentation of thyroid follicular cells in males and females.

5. A carcinogenicity study in male mice fed dosages of 0, 12.3, 62.3, or 622.1 mg/kg/day or female mice fed dosages of 0, 15.6, 783, or 806.9 mg/kg/day with no carcinogenic effects observed under the conditions of the study up to 622.1 mg/kg/day (highest dose tested [HDT]) in male mice or up to 806.9 mg/kg/day (HDT) in female mice.

6. A developmental toxicity study with rats fed dosages of 0, 125, 250, or 500 mg/kg/day with a developmental NOEL greater than 500 mg/kg/day (HDT) and a maternal NOEL greater than 500 mg/kg/day (HDT).

7. A developmental toxicity study with rabbits fed dosages of 0, 15, 30, or 60 mg/kg/day with a maternal and developmental NOEL greater than 60 mg/kg/day (HDT).

8. A two-generation reproduction study with rats fed dosages of 0, 34, 172, or 346 mg/kg/day (males) and 0, 43, 216, or 436 mg/kg/day (females) with a reproductive NOEL of 43 mg/kg/day based on a decrease in pup weight at 216 mg/kg/day. The parental NOEL is 34 mg/kg/day based on decreased body weight and food consumption at 172 mg/kg/day.

9. Mutagenicity data included assays with Salmonella typhimurium (positive in strains TA 1538 and TA 98 with metabolic activation); an *in vitro* cytogenetics-CHO assay (negative up to 25 *u*g/plate without metabolic activation and 100 *u*g/mL with activation); and an unscheduled DNA synthesis (negative between 30 and 3,000 *u*g/well). A micronucleus assay in mice was negative at 625 and 1,250 mg/kg.

The Health Effects Division Carcinogenicity Peer Review Committee (PRC) evaluated the toxicology data for carcinogenic potential. The PRC classified pendimethalin as a Group C-possible human carcinogen and recommended that for quantification of human risk, the Reference Dose (RfD) approach should be used. This decision was based on statistically significant increased trend and pairwise comparison between the high-dose group and controls for thyroid follicular cell adenomas in male and female rats. This study was conducted using adequate doses for the determination of carcinogenic activity. Pendimethalin induces gene mutations, but not aberrations or DNA damage/repair, based on acceptable studies. Structurally related compounds showed evidence of tumorigenic activity.

Based on the NOEL of 12.5 mg/kg/day (2-year dog-feeding study) and an uncertainty factor of 300, the RfD (reference dose) for pendimethalin is calculated to be 0.04 mg/kg/body weigh/day (bwt). The theoretical maximum residue contribution (TMRC) is 3.11 X 10^{-4} mg/kg bwt/day for existing tolerances for the overall U.S. population. The current action will increase the TMRC by 1.8 X 10^{-5} mg/kg bwt/day or 0.04 percent of the RfD. This tolerance and previously established tolerances utilize 0.8 percent of the RfD. The subgroup most highly exposed, children ages 1 through 6, has a TMRC from published and proposed uses of 7.2 X 10^{-4} mg/kg bwt/day or 1.8 percent of the RfD, assuming that residue levels are at the established tolerances and 100 percent of the crop is treated.

There are no desirable data lacking and no pending regulations against the continuing registration of this chemical. The chronic dietary risk from this chemical appears to be minimal, particularly since none of the U.S. population subgroups has an exposure greater than 2 percent of the RfD.

The nature of the residues in plants and animals is adequately understood, and adequate analytical methodology (GLC using a 63Ni electron capture detector) is available for enforcement and has been published in the Pesticide Analytical Method (PAM), Method I. There is no expectation that secondary residues will occur in meat, milk, poultry, or eggs from this use.

Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 would protect the public health. The pesticide is considered useful for the purpose for which it is intended. Therefore, it is proposed that the 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 FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 3F2792/P622]. 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 3F2792/P622] (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 all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to 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 known 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 (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, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

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, Reporting and recordkeeping requirements.

Dated: July 10, 1995.

Peter Caulkins,

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. In § 180.361, paragraph (a) is amended in the table therein by adding and alphabetically inserting the following commodity, to read as follows:

§ 180.361 Pendimethalin; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Peas (except field peas)	0.1
* * * * *	

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[FR Doc. 95–18001 Filed 7–25–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–5263–5]

Notice of Intent To Delete Stewco, Incorporated Superfund Site Waskom, Harrison County, Texas; National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Stewco, Incorporated Superfund Site from the National Priorities List: Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Stewco, Incorporated Superfund site from the National Priorities List (NPL) and requests public comment on this 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), as amended. EPA and the State of Texas (Texas Natural Resource Conservation Commission) have determined that all appropriate actions under CERCLA have been implemented and that no further cleanup is appropriate. Moreover, EPA and the State have determined that response 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 25, 1995.

ADDRESSES: Comments may be mailed to: Mr. Donn Walters, Community Relations Coordinator, U.S. EPA, Region 6 (6H–MC), 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6483 or 1–800–533–3508.

Comprehensive information on this site is available through the EPA Region 6 public docket, which is located at EPA's Region 6 library office and is available for viewing from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The office address is: U. S. EPA, Region 6, Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665–6424 or 665–6427.

Background information from the Regional public docket is available for viewing at the Stewco, Incorporated Superfund site information repositories located at:

Environmental Protection Agency, Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202

Texas Natural Resource Conservation Commission, 12118 North IH–35, Building D, Room 190, Austin, Texas 78753, (512) 239–2920

Waskom City Hall, 304 Texas Avenue, Waskom, Texas 75692, (903) 687–2694

FOR FURTHER INFORMATION CONTACT: Mr. Donald H. Williams, Chief, Oklahoma/Texas Remedial Section (6H–SR), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–2197.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The U.S. Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Stewco, Incorporated Superfund site, Waskom, Harrison County, Texas, from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300 (NCP), and requests comments on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

The EPA will accept comments concerning this proposal for thirty (30) 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 history of this site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e)(1), sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

(1) Responsible parties or other persons have implemented all appropriate response actions required; or

(2) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(3) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Prior to deciding to delete a site from the NPL, EPA must determine that the remedy, or existing site conditions at sites where no action is required, is protective of public health, welfare, and the environment.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.