

1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 13, 1995.

David A. Ullrich,

*Acting Regional Administrator.*

Title 40 of the Code of Federal Regulations, chapter I, part 52, is amended as follows:

#### **PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

#### **Subpart KK—Ohio**

2. Section 52.1870 is amended by adding paragraph (c)(106) to read as follows:

#### **§ 52.1870 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(106) On October 7, 1994, Ohio submitted four rules in Chapter 3745–71 of the Ohio Administrative Code, entitled “Lead Emissions,” and submitted a modeling demonstration that the limitations in these rules assure attainment of the lead standard in central Cleveland.

(i) Incorporation by reference. Rules 3745–71–01, 3745–71–03, 3745–71–05, and 3745–71–06, all adopted September 22, 1994, and effective October 4, 1994.

(ii) Additional material. A submittal letter from the Director of the Ohio Environmental Protection Agency, with attachments documenting a modeling analysis of lead concentrations near the Master Metals secondary lead smelter.

[FR Doc. 95–26656 Filed 10–26–95; 8:45 am]

BILLING CODE 6560–50–P

#### **40 CFR Part 372**

[OPPTS–400097; FRL–4970–6]

#### **2,2-Dibromo-3-nitropropionamide; Toxic Chemical Release Reporting; Community Right-to-Know; Stay of Reporting Requirements**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Administrative stay; request for comment on petition to delist.

**SUMMARY:** EPA is granting a request submitted by the Dow Chemical Co. for an administrative stay of the reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA), for 2,2-dibromo-3-nitropropionamide (DBNPA)(Chemical Abstracts Service (CAS) No. 10222–01–2). This chemical was added to the 40 CFR part 372 Subpart D list of toxic chemicals in a final rule published in the Federal Register of November 30, 1994. Since promulgation of the final rule, the Agency has preliminarily determined that it categorized certain effects that supported the listing decision incorrectly. The effect of this stay is to suspend reporting on this chemical while the Agency completes its reassessment of the data for this chemical. The Agency has also received a petition to delist DBNPA based on new information. The Agency is making this information available for public comment and is seeking comment on whether DBNPA should remain on the EPCRA section 313 list of toxic chemicals. After evaluating public comment, the Agency will issue a final decision on the delisting petition which will either delete or retain this chemical on the section 313 list. In either case, the Agency’s decision on the petition to delist will serve to dissolve this administrative stay. This action affects only EPCRA section 313 and PPA section 6607 toxic chemical reporting for DBNPA.

**DATES:** The administrative stay is effective October 27, 1995. Written comments on the petition to delist must be received by November 27, 1995.

**ADDRESSES:** Written comments should be submitted in triplicate to : OPPT Docket Clerk (7407), TSCA Nonconfidential Information Center (NCIC), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. NE–B607, 401 M St., SW., Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to:

ncic@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 OPPTS–400097. No confidential business information (CBI) should be submitted through e-mail. Electronic comments on the information presented in this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit VII. of this document. Comments should include the docket control number for this document, OPPTS–400097.

**FOR FURTHER INFORMATION CONTACT:** Maria J. Doa, Project Manager, 202–260–9592, e-mail: doa.maria@epamail.epa.gov for specific information on this action. For general information on EPCRA section 313, contact the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1–800–535–0202, in Virginia and Alaska: 703–412–9877 or Toll free TDD: 1–800–553–7672.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11023 (EPCRA) requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities also must report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (42 U.S.C. 13106). Section 313 established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. Section 313(d) authorizes EPA to add to or delete chemicals from the list, and sets forth criteria for these actions. Under section 313(e), any person may petition EPA to add chemicals to or delete chemicals from the list. EPA has added and deleted chemicals from the original statutory list. Pursuant to EPCRA section 313(e)(1), EPA must respond to petitions within 180 days either by initiating a rulemaking or by publishing an explanation of why the petition has been denied.

EPA issued a statement of petition policy and guidance in the Federal

Register of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for petitions. On May 23, 1991 (56 FR 23703), EPA issued a statement of policy and guidance regarding the recommended content of petitions to delete individual members of the section 313 metal compound categories. EPA has published a statement clarifying its interpretation of the section 313(d)(2) and (3) criteria for adding and deleting chemicals from the section 313 toxic chemical list (November 30, 1994; 59 FR 61439).

In the Federal Register of November 30, 1994 (59 FR 61432), the Agency published a final rule adding 286 chemicals and chemical categories to the EPCRA section 313 list of toxic chemicals. DBNPA was included among the 286 chemicals and chemical categories in the November 1994 final rule. The Agency found that DBNPA met the section 313(d)(2)(B) criteria for chronic human toxicity because of chronic respiratory effects. (See 59 FR 61452).

## II. Description of Request and Basis for Administrative Stay

Since the promulgation of the final rule adding DBNPA to the list of toxic chemicals, it has been brought to the Agency's attention that it may have incorrectly categorized the effects observed in studies which were reviewed prior to promulgation. Some members of the regulated community have also expressed concern that the basis for the Agency's final action on this chemical was inadequately described in the rulemaking record.

On December 29, 1994, Dow Chemical Co. requested that the Agency administratively stay the reporting requirements for DBNPA, based on their contention that the new information submitted with their request (which includes a study report dated August 2, 1994 and further analyses of studies in the record) demonstrates that the original basis for listing (chronic respiratory toxicity) is not valid (Ref. 1). Subsequently, on February 24, 1995, Dow Chemical Co. petitioned the Agency pursuant to EPCRA section 313(e) to delete DBNPA from the EPCRA section 313 list of toxic chemicals, contending that the new information submitted with the request for an administrative stay demonstrates that DBNPA does not meet the listing criteria (Ref. 2).

Based on its reassessment of the information supporting the listing of DBNPA, EPA agrees preliminarily that DBNPA does not cause chronic respiratory toxicity. Therefore, the

Agency believes that it is important and appropriate to administratively stay the effective date of the listing of this chemical.

EPCRA section 313(d)(2) states that a chemical may be listed if any of the listing criteria are met. Therefore, in order to add a chemical, EPA must demonstrate that at least one criterion is met, but does not need to examine whether all other criteria are also met. Conversely, in order to remove a chemical from the list, EPA must demonstrate that none of the criteria are met. In reviewing the petition to delist DBNPA pursuant to EPCRA section 313(d)(3), EPA believes that DBNPA meets the criteria described in section 313(d)(2)(B), based on subchronic gastric toxicity; and the criteria described in section 313(d)(2)(C), based on environmental toxicity. Because the bases for meeting these criteria are different than those for which comments were originally received in response to the January 12, 1994 Federal Register notice, EPA is seeking comment on the initial determination for this chemical; the additional information which has been brought to the Agency's attention; and, generally, comments (and any supporting data) on whether the Agency should either grant or deny the petition to delete DBNPA.

Under the November 1994 final rule, reporting for DBNPA is required to begin for activities during the 1995 calendar year, with the first reports due on or before July 1, 1996. However, because of the decision to issue this administrative stay, facilities will not have to prepare and submit Toxic Release Inventory (TRI) Form R reports for the 1995 reporting year. Moreover, pending a decision by the Agency of whether to grant the petition and propose a rule to delete DBNPA or to deny the petition and affirm the listing, the reporting requirements of EPCRA section 313 and PPA section 6607 for DBNPA will continue to be administratively stayed. EPA's decision will be made promptly after consideration of public comment submitted on this Federal Register document.

## III. EPA's Technical Review of the Petition

### A. Chemistry/Use Profile

1. *Physical properties.* DBNPA is a white, crystalline solid in its pure state. It has moderate water solubility (15 grams per liter (g/L)) and a very low vapor pressure at room temperature (less than  $4 \times 10^{-5}$  mm Hg at 25 °C). DBNPA is degraded through hydrolysis in water, but this is a pH-dependent

process which is most rapid under alkaline conditions (Ref. 4).

2. *Industrial uses.* DBNPA is used as an algicide, bactericide, fungicide, and a preservative additive. The target microorganisms are coliform bacteria; slime- and odor-forming algae, bacteria and fungi; yeasts; and sulfide producing bacteria (as found in enhanced oil recovery applications). DBNPA's use as a pesticide is regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). It is used to control microorganisms in industrial water systems (such as cooling water and pulp and paper manufacturing); oil field applications; and a variety of products such as adhesives, glues, industrial coatings, metal cutting fluids, paints, emulsions, waxes, polishes, and inks. Currently, 26 companies have a total of 44 FIFRA registrations for DBNPA or products containing this chemical. At the present time, 80 percent of the total consumption of DBNPA in the U.S. (approximately 850,000 pounds in 1994) is in paper mills, 18 percent is used in recirculating water cooling systems and 2 percent is used in once-through cooling water systems. DBNPA is expected to be commonly used in rotation with other biocides in order to prevent acquired resistance by strains of the target organism or in combination with other biocides if there is a build-up of a particular organism. DBNPA is believed to be too expensive to be used as a primary biocide in many applications (Ref. 6).

### B. Toxicological Evaluation of DBNPA

1. *Acute toxicity.* EPA has reviewed the clinical signs, such as dyspnea, evidenced in 4- and 13-week rat studies by gavage. When EPA originally reviewed these studies for the November 1994 rule, EPA concluded that the effects observed in these studies represented chronic respiratory toxicity. Upon further analysis, EPA agrees with Dow Chemical's contention that the observed dyspnea was secondary to the method of treatment and that it is the result of acute irritation of the trachea and epiglottis due to reflux of the test material. Although some uncertainty exists as to the mechanism by which the dyspnea (and in some cases death) occurred, a NOEL (no observed effect level) of 5 milligrams per kilogram per day (mg/kg/day) and a LOEL (lowest observed effect level) of 13 mg/kg/day were established. DBNPA is corrosive, particularly to the eyes and, at least, is severely irritating to the respiratory tract (Refs. 3 and 7).

2. *Developmental toxicity.* In a developmental study in rabbits,

developmental effects were reported at a dose of 30 mg/kg/day, with no evidence of maternal toxicity until the next higher dose (60 mg/kg/day). Because the 30 mg/kg/day dose group was performed at a different time than the rest of the study (this group was initiated after the death of six rabbits) and did not have a concurrent control group for comparison, no statistical analysis can be validly performed. This treatment group cannot be considered as a valid part of the study (Refs. 3, 7, and 12).

3. *Chronic toxicity.* As indicated above, a developmental study in rabbits showed evidence of maternal toxicity at a dose of 60 mg/kg/day. Deaths due to treatment were caused by ulcerative and hemorrhagic gastritis and occurred in 6 of 14 treated rabbits (dams). Evidence of effects did not occur immediately in the study, and deaths did not occur until after 10 days of dosing. These effects are considered to be subchronic in nature. Further support for the subchronic, rather than acute, nature of the effect is that in a range finding study in which rats were administered the test material by gavage at similar doses for up to 2 weeks, no gastritis was seen (except in one female at the end of 2 weeks treatment). Due to the deletion of the 30 mg/kg/day dose level from the evaluation of the developmental study, the maternal NOEL for this study has been reassessed as 10 mg/kg/day (no effects were observed at dose levels of 0 and 10 mg/kg/day), with a maternal LOEL of 60 mg/kg/day (Refs. 3 and 7).

4. *Environmental toxicity.* Only the 96-hour (h) EC<sub>50</sub> (median effective concentration) of 0.300 mg/L (milligram per liter) for DBNPA was reported for freshwater green algae based on the growth rate. This result was based on nominal concentrations derived from a water-based stock solution used to initiate the test. Had this effective concentration been based on mean measured concentrations of the test substance during the test period, EPA believes that the EC<sub>50</sub> values would have been lower. Assuming a hydrolysis rate ( $t^{1/2}$ ) of 63 hours at pH 7 (the pH of the algal medium was 7.5), concentrations were predicted at time (t)=0 h, t=63 h, and t=98.5 h and averaged. The mean concentrations were predicted to be 64 percent of the concentrations at t=0 h. Based on these predicted mean concentrations, EPA calculated the green algal 96-h EC<sub>50</sub> as 0.010 mg/L. Saltwater green algal toxicity was not measured. The reported value for daphnid chronic toxicity is a LOEC (lowest observed effect concentration) of 0.020 mg/L; this was the lowest dose tested. Using the dose-

response curve data from the test report, chronic EC<sub>10</sub> (ten percentile effective concentration) values were predicted for total mean young per female (0.005 mg/L) and for total young (0.008 mg/L). DBNPA slows oyster shell deposition and has a 48-h EC<sub>50</sub> less than 0.070 mg/L. It is not known whether this is a direct effect of DBNPA on the oysters themselves or an indirect effect of DBNPA on oysters because of direct effects on oyster food sources, i.e., phytoplankton or saltwater green algae. Because the toxicity of DBNPA towards saltwater green algae was never measured, this issue could not be resolved (Refs. 8, 9, and 10).

### C. Exposure to DBNPA in the Environment

In making listing determinations under EPCRA section 313, there are limited circumstances under which it is appropriate for EPA to consider exposure factors (See 59 FR 61440). The Agency believes that exposure considerations are appropriate in making determinations (1) under section 313(d)(2)(A), (2) under section 313(d)(2)(B) for chemicals that exhibit low to moderately low toxicity based on a hazard assessment (i.e., those chemicals for which the value of listing on the EPCRA section 313 list on hazard alone is marginal), and (3) under section 313 (d)(2)(C) for chemicals that are low or moderately ecotoxic or do not induce well-documented serious adverse effects. The Agency believes that exposure considerations are not appropriate in making determinations (1) under section 313(d)(2)(B) for chemicals that exhibit moderately high to high human toxicity based on a hazard assessment, and (2) under section 313(d)(2)(C) for chemicals that are highly ecotoxic or induce well-established adverse environmental effects. Based on its most recent reassessment, EPA has preliminarily determined that DBNPA is acutely toxic to humans, highly chronically toxic to humans and highly ecotoxic.

EPA has, as part of the review of DBNPA, conducted an exposure analysis. Based on a screening level assessment, EPA estimated the likelihood of exposure at facility boundaries at levels which are reasonably likely to cause acute toxicity. Further, because of uncertainties encountered initially regarding the degree of environmental toxicity of DBNPA, EPA also conducted an exposure analysis which estimated the likelihood of exposure to the environment. Because the analyses were conducted, the results of this environmental exposure analysis are

presented below. However, the determination that the listing criterion of EPCRA section 313(d)(2)(C) is met is based solely on the hazard of the chemical, not on estimated exposures.

Due to its very low vapor pressure, DBNPA is not expected to be released in significant quantities to air. Since DBNPA is manufactured and imported as a liquid and is soluble in water, land releases are also anticipated to be low. However, there is a concern for aqueous releases of DBNPA to the environment; especially from paper mills and cooling water systems (Ref. 10).

1. *Paper mills.* There are a variety of applications for which DBNPA can be used in paper mills. DBNPA is used to control microorganisms which can grow in aqueous systems affected by machine deposits (such as starch, which acts as a nutrient) and other sources of biological contamination. Many of the additives used in this industry are preserved with biocides. DBNPA is continuously added at a rate of 0.03-0.1 lb per ton of pulp or paper (on a dry basis) and it is assumed that DBNPA is used to treat the pulp or paper every day (Ref. 6). DBNPA's primary removal mechanism is hydrolysis, which is highly pH sensitive. At neutral pH, the overall removal during wastewater treatment operations with a total residence time of 12 hours is estimated to be 15 percent (the typical pH of waste water treatment plants in the United States is 7.2). All of the DBNPA used within the mill is expected to be sent to on-site treatment or directly to a publicly owned treatment works (POTW) (Refs. 5 and 6).

Based on these assumptions, EPA calculated the predicted releases of DBNPA daily at each site, stream concentrations at low and mean flow, and potential daily dose rates for human exposure to drinking water for a variety of paper mill operations. Based on this screening level assessment, EPA believes there is little to no likelihood for dyspnea associated with general population drinking water exposures in this use application. However, at the usage rate indicated, the concentration of concern for environmental effects on freshwater green algae and daphnids would be exceeded essentially every day throughout the year (364-365 days) (Ref. 10).

2. *Cooling water systems.* Cooling systems are treated to maintain efficient heat exchange, to prevent plugging of orifices, to prevent potential health concerns and for aesthetics. Typical biocide treatments have use levels of less than 100 mg/L and the biocide may be added continuously or intermittently. There are an estimated 40,000

recirculating open-water cooling systems in the U.S. (average size 20,000 gallons) and an estimated 4,000 once-through water cooling systems with an average size of 1,000,000 to 20,000,000 gallons. Although there are far more recirculating than once-through systems, the total volume of water discharged from once-through towers is estimated to be approximately the same as from recirculating systems. In recirculating systems, DBNPA is used at a rate of 2.5-24 mg/L. DBNPA is used to treat the water 1-3 times per week throughout the year (Refs. 5 and 6). Based on the above usage rate and the estimated annual use of DBNPA in recirculating water cooling systems (153,000 lb/yr), the annual use of DBNPA is calculated at 64-640 lb/site-yr at 239-2,390 sites. All of the DBNPA used in recirculating water cooling systems is expected to be sent to on-site treatment or directly to a POTW (Refs. 5 and 6). Calculated at the maximum usage rate for DBNPA and the lowest stream flow, a screening level assessment similar to that conducted for paper mills demonstrated no likelihood for dyspnea to the general population (Ref. 10). For recirculating water cooling systems, the concentration of concern for environmental effects on freshwater green algae and daphnids would be exceeded 160 days per year (Ref. 10). The average use rate of DBNPA in once-through cooling systems is estimated at 200 pounds per site-year (lb/site-yr). DBNPA is used to treat the water less than 100 days during the year, which is an application rate of less than 2 lb/site-day. All of the DBNPA used in recirculating water cooling systems is expected to be sent to on-site treatment or directly to a POTW (Refs. 5 and 6). A screening level assessment indicated that there is little to no likelihood for dyspnea associated with general population drinking water exposures in this use application (Ref. 10). For once-through water cooling systems, the concentration of concern for environmental effects on freshwater green algae and daphnids would be exceeded 99 days per year (Ref. 10).

#### IV. Technical Summary

Based on EPA's most recent assessment, the Agency has preliminarily determined that DBNPA: (1) Can reasonably be anticipated to cause subchronic gastrointestinal effects; and (2) can reasonably be anticipated to cause toxicity to freshwater green algae, chronic effects on freshwater invertebrates, and chronic effects on oysters, at relatively low concentrations. EPA's toxicological evaluation of DBNPA indicates that it

exhibits acute toxicity only at levels that exceed the expected releases and resultant exposures.

#### V. Administrative Stay

##### A. Rationale for Decision

EPA is granting the request for an administrative stay of the listing of DBNPA on the EPCRA section 313 list of toxic chemicals. EPA proposed to list DBNPA because scientific evidence showed that it exhibited chronic human toxicity effects, specifically citing respiratory toxicity (59 FR 1807). The Agency affirmed this finding in the final rule (59 FR 61452). In the final rule, the Agency responded to commenters who argued that the respiratory effects cited were a result of an acute toxic reaction to direct exposure to the respiratory system from the gavage dosing methodology. At that time the Agency stated that "...the dyspnea observed in the 4-week and 13-week rat gavage studies cited in the proposed rule may have been due to severe irritation of the trachea and lungs from accidental or incidental delivery of small amounts of the DBNPA dosing solutions into the larynx, pharynx, trachea, and/or lungs during the procedure. However, this suggestion of possible cause can be neither refuted nor confirmed based upon the available data." Since the publication of the final rule, the Agency has preliminarily determined that it had incorrectly categorized the effects in studies which were reviewed prior to promulgation. EPA currently believes that these data serve to confirm the acute nature of the respiratory toxicity of DBNPA. EPA's further review of DBNPA data also indicates that DBNPA causes gastric toxicity and environmental toxicity, and meets the 313(d)(2)(B) and 313(d)(2)(C) listing criteria on that basis.

Although the statutory basis for the determination that DBNPA meets the listing criteria of EPCRA section 313(d)(2) would not change, the Agency now believes that the listing should be based on effects other than that listed in the final rule. EPA recognizes that, although its ultimate decision would remain unchanged, interested parties may disagree with the Agency's position that the information on subchronic gastric effects supports a finding under section 313(d)(2)(B) or its position that the information on environmental toxicity supports a finding under section 313(d)(2)(C). EPA believes good cause exists to issue this Administrative Stay to allow parties time to prepare and submit comment and information on these points.

##### B. Legal Authority

The Agency believes that this administrative stay is appropriate and in the interest of justice, given the fact that EPA incorrectly categorized the effects observed in certain data relating to DBNPA prior to promulgation of the final rule adding this chemical to the EPCRA section 313 list of toxic chemicals. Although the Agency does not regard today's stay as a rule, were it to be viewed as a rule, the Agency believes that there is good cause for issuing it without prior notice and opportunity for comment and for making it immediately effective. Under section 313(a), facilities face a current and ongoing obligation to collect information about releases, transfers, and waste management of DBNPA. Until such time as the issues described in this document are resolved, EPA believes that this administrative stay is necessary. As stated above, EPA has begun addressing these issues and will move quickly toward final resolution of the status of DBNPA under EPCRA section 313.

In addition, this administrative stay is authorized by 5 U.S.C. section 705, which provides that an agency may postpone the effective date of any action taken by it when justice so requires, pending judicial review. Although no petition for review has been formally filed as of this date with respect to DBNPA, the Agency believes that rather than going through costly and potentially protracted litigation, an Administrative Stay coupled with a Federal Register notice and opportunity to comment is both consistent with the goal of the TRI program to involve the public in the resolution of important issues and in the interest of justice.

##### C. Effective Date of Administrative Stay

This administrative stay, which applies only to the listing of DBNPA on the EPCRA section 313 list of toxic chemicals is effective October 27, 1995.

#### VI. Request for Public Comment

EPA requests public comment on the information presented in this document regarding the continued listing of DBNPA on the EPCRA section 313 list of toxic chemicals. Comments should be submitted to the address listed under the ADDRESSES unit. All comments must be received on or before November 27, 1995.

#### VII. Administrative Record

A record has been established for this administrative stay under docket number OPPTS-400097 (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 confidential business information (CBI), is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

ncic@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 administrative stay 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 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.

#### VIII. References

(1) Crowell Moring; *Petition for Administrative Stay of SARA Section 313 Reporting Requirements for 2,2-Dibromo-3-nitrilopropionamide (DBNPA, CAS No. 001 222-01-2) Pending Consideration of New Information*. Dated December 29, 1994.

(2) Crowell Moring; *Petition of the Dow Chemical Company to Delete 2,2-Dibromo-3-nitrilopropionamide (DBNPA, CAS No. 001 222-01-2) from the List of Chemicals Subject to Section 313 of the Emergency Planning and Community Right to Know Act of 1996*. Dated February 24, 1995.

(3) USEPA/OPP; Doyle, Elizabeth A., *DBNPA - Response to Comments Filed by Dow Chemical Company in Support of a Petition to Delist (Dated February 24, 1995 and April 13, 1995)* memorandum dated May 15, 1995.

(4) USEPA/OPPT; Bushman, Daniel R., *Chemistry Report for the EPCRA § 313 Petition to Delist 2,2-dibromo-3-nitrilopropionamide (DBNPA)* dated March 31, 1995.

(5) USEPA/OPPT; Hollister, Sondra L., *Exposure Assessment : 2,2-Dibromo-3-nitrilopropionamide Delisting Petition* dated July 14, 1995.

(6) USEPA/OPPT; Jackson, Eric M., *Engineering Report for the EPCRA § 313 Petition to Delist 2,2-Dibromo-3-Nitrilopropionamide (DBNPA)* dated July 11, 1995.

(7) USEPA/OPPT; Murphy, James J., *Review of Toxicology Summary on 2,2-Dibromo-3-Nitrilopropionamide for EPCRA 313 Delisting Petition* memorandum dated May 22, 1995.

(8) USEPA/OPPT; Nabholz, J. V., *Petition to Remove DBNPA from EPCRA § 313: Environmental Toxicity (Addendum #2)* dated August 8, 1995.

(9) USEPA/OPPT; Nabholz, J. V., *Petition to Remove DBNPA from EPCRA § 313: Environmental Toxicity* dated May 16 (second dated July 25), 1995.

(10) USEPA/OPPT; Rusak, Linda M., *DBNPA Delisting Petition; Revised CSRAD Report* dated July 19, 1995.

(11) USEPA/OPPT; Silagi, William, *Economic Analysis of Petition to Delist 2,2,-Dibromo-3-Nitrilopropionamide (DBNPA) from the EPCRA Section 313 List* dated April 10, 1995.

(12) USEPA/ORD; Preuss, Peter W., *ORD's Response to the Petition to Delist DBNPA from SARA Section 313* memorandum dated June 13, 1995.

#### IX. Paperwork Reduction Act

There are no information collection requirements subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., associated with this action.

#### List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: October 13, 1995.

Lynn R. Goldman,  
Assistant Administrator for Prevention,  
Pesticides and Toxic Substances.

Therefore 40 CFR part 372 is amended to read as follows:

1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

#### § 372.65 [Amended]

2. Section 372.65 is amended by adding an identical note to the end of the table in both paragraphs (a) and (b) to read as follows:

Note: The listing of 2,2-dibromo-3-nitrilopropionamide (DBNPA) (CAS No. 10222-01-2) is stayed. The stay will remain in effect until further administrative action is taken.

[FR Doc. 95-26324 Filed 10-26-95; 8:45 am]

BILLING CODE 6560-50-F

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 95-89; RM-8639]

### Radio Broadcasting Services; Healdsburg, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document allots Channel 244A to Healdsburg, California, as that community's third local FM service, in response to a petition for rule making filed on behalf of Phil Squyres. See 60 FR 32934, June 26, 1995. With this action, the proceeding is terminated.

**DATES:** Effective December 4, 1995. The window period for filing applications will open on December 4, 1995, and close on January 4, 1996.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 244A at Healdsburg, California, should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-89, adopted October 10, 1995, and released October 20, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 244A at Healdsburg.