

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

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

b. In § 185.1580, by designating the existing text as paragraph (a) and by adding new paragraph (b), to read as follows:

§ 185.1580 Deltamethrin.

* * * * *

(b) A food additive tolerance of 0.02 part per million is established for residues of the insecticide deltamethrin [(1*R*,3*R*)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid (*S*)-*alpha*-cyano-3-phenoxybenzyl ester] as follows:

(1) In or on all food items (other than those covered by a higher tolerance as a result of use on growing crops) resulting from use in food- handling establishments.

(2) The insecticide may be present as a residue from application of deltamethrin in food-handling establishments, including food service, manufacturing and processing establishments, such as restaurants, cafeterias, supermarkets, bakeries, breweries, dairies, meat slaughtering and packing plants, and canneries in accordance with the following prescribed conditions:

(i) Application shall be limited to a general surface and spot and/or crack and crevice treatment in food-handling establishments where food and food products are held, processed, prepared, and served. General surface application may be used only when facility is not in operation provided exposed food is covered or removed from area being treated. Spot and/or crack and crevice application may be used while the facility is in operation provided exposed food is covered or removed from area being treated prior to application. Spray concentration shall be limited to a maximum of 0.06 percent active ingredient. Contamination of food-contact surfaces shall be avoided.

(ii) To assure safe use of the pesticide, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency and shall be used in accordance with such label and labeling.

PART 186—[AMENDED]

2. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 348.

b. By adding new § 186.1580, to read as follows:

§ 186.1580 Deltamethrin.

(a) A feed additive tolerance of 0.02 part per million is established for residues of the insecticide deltamethrin [(1*R*,3*R*)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid (*S*)-*alpha*-cyano-3-phenoxybenzyl ester] as follows:

(1) In or on all feed items (other than those covered by a higher tolerance as a result of use on growing crops) resulting from use in feed- handling establishments.

(2) The insecticide may be present as a residue from application of deltamethrin in feed-handling establishments, including feed manufacturing and processing establishments in accordance with the following prescribed conditions:

(i) Application shall be limited to a general surface and spot and/or crack and crevice treatment in feed-handling establishments where feed and feed products are held, processed, prepared, and served. General surface application may be used only when facility is not in operation provided exposed food is covered or removed from area being treated. Spot and/or crack and crevice application may be used while the facility is in operation provided exposed feed is covered or removed from area being treated prior to application. Spray concentration shall be limited to a maximum of 0.06 percent active ingredient. Contamination of feed-contact surfaces shall be avoided.

(ii) To assure safe use of the pesticide, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency and shall be used in accordance with such label and labeling.

(b) [Reserved]

[FR Doc. 95-29251 Filed 11-29-95; 8:45 am]

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40 CFR Parts 261, 271, and 302

[SWH-FRL-5336-3]

Extension of Comment Period for the Proposed Identification and Listing of Hazardous Waste/Dye and Pigment Industries

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) again is extending the comment period for the proposed listing determination for the dyes and pigments industry, which appeared in the Federal Register

on December 22, 1994 (see 59 FR 66072-66114). The public comment period for this proposed rule was to end on November 30, 1995. The purpose of this notice is to extend again the comment period to end on December 15, 1995.

DATES: EPA will accept public comments on this proposed listing determination until December 15, 1995.

ADDRESSES: The public must send an original and two copies of their comments to EPA RCRA Docket Number F-94-DPLP-FFFFF, RCRA Information Center (5305W), U.S. EPA, 401 M Street, SW, Washington, DC. To hand-deliver comments, or to review docket materials, the address is U.S. EPA, Crystal Gateway, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The docket is open from 9 am to 4 pm, Monday through Friday, excluding Federal holidays. The public must make an appointment to review docket materials by calling (703) 603-9230. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at \$0.15 per page for additional copies.

FOR FURTHER INFORMATION CONTACT: For technical information concerning this notice, please contact Wanda Levine, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 260-7458.

SUPPLEMENTARY INFORMATION: This proposed rule was issued under Section 3001(b) of RCRA. EPA proposed to list certain wastes generated during the production of dyes and pigments because these wastes may pose a substantial present or potential risk to human health or the environment when improperly managed. See 59 FR 66072-114 (December 22, 1994) for a more detailed explanation of the proposed rule.

These proposed hazardous waste listings were based in part upon data claimed as confidential by certain dye and pigment manufacturers. Although EPA hopes to publish these data or information derived from these data to the extent relevant to the proposed listing, the Agency is unable to do so at the present time due in large part to the issuance of a preliminary injunction against EPA in *Magruder Color Co. v. EPA*, Civ. No. 94-5768 (D.N.J.). EPA is pursuing avenues to allow publication of the information and hopes to supplement the public record with and allow public comment on such information prior to issuance of a final listing. However, because EPA anticipates that its obligation to publish a final rule pursuant to a consent decree

entered in *EDF v. Browner*, Civ. No. 89-0598 (D.D.C.) will be extended only to on or about January 19, 1996, at this time EPA is extending the comment period only until December 15, 1995.

Dated: November 22, 1995.

Michael H. Shapiro,
Director, Office of Solid Waste.
[FR Doc. 95-29244 Filed 11-29-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5335-2]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent To Delete the Whitewood Creek Superfund Site From the National Priorities List: Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA) Region VIII announces its intent to delete the Whitewood Creek Site (Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to 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 South Dakota (State) have determined that all appropriate CERCLA response actions have been implemented and that no further response actions are necessary at the Site except required operations and maintenance activities (O&M). Moreover, EPA and the State have determined that remedial activities conducted at the Site are protective of human health and the environment.

DATES: Comments concerning the proposed deletion of the Whitewood Creek Site may be submitted to EPA on or before January 2, 1996.

ADDRESSES: Comments may be mailed to: Mr. Michael H. McCeney, Remedial Project Manager, U.S. Environmental Protection Agency, Region VIII, Mail Code 8EPR/SR, 999 18th Street, Suite 500, Denver, CO 80202, Telephone: (303) 312-6226.

Comprehensive information on this site is available through EPA, Region VIII public docket, located at EPA, Region VIII, Superfund Records Center and is available for viewing from 8:00 AM to 4:30 PM, Monday through Friday excluding holidays. Requests for

documents should be directed to the EPA, Region VIII Superfund Records Center.

The address for the Region VIII Superfund Records Center is: Superfund Records Center, U.S. Environmental Protection Agency, 999 18th Street, 5th Floor, Denver, CO 80202, Telephone: (303) 312-6473.

Background information from the Regional public docket is also available for viewing at the following location: Ms. Judy Meverden, Lawrence County Registry of Deeds Office, P.O. Box 565, Deadwood, South Dakota 57732-0565, Telephone: (605) 578-3930.

FOR FURTHER INFORMATION CONTACT: Michael H. McCeney (303) 312-6226.

SUPPLEMENTARY INFORMATION:

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- II. NPL Deletion Criteria
- III. Deletion Procedures
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I. Introduction

The Environmental Protection Agency (EPA), Region VIII announces its intent to delete the Whitewood Creek Site located in Butte, Meade, and Lawrence Counties, South Dakota, from the National Priorities List (NPL) and requests comments on this deletion. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Title 40 of the Code of Federal Regulations (40 CFR), as amended. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as a list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance 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 in the unlikely event that future conditions at the site warrant such action.

EPA intends to delete the Whitewood Creek Site from the NPL. EPA will accept comments on this proposed deletion for thirty days following 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 how the Whitewood Creek Site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations with regard to an individual site. The NPL is designed primarily for informational

purposes and to assist EPA management.

II. NPL Deletion Criteria

The NPL establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further response action by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking remedial measures is not appropriate.

For all Remedial Actions (RAs) which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure, EPA shall review such action no less often than every five years after initiation of the selected RA.

III. Deletion Procedures

EPA, Region VIII will accept and evaluate public comments before making a final decision to delete the Whitewood Creek Site. The following procedures were used for the intended deletion of this Site:

(1) EPA, Region VIII has recommended deletion of the Whitewood Creek Site and has prepared the relevant documents;

(2) The State of South Dakota has concurred with EPA's recommendation for deletion;

(3) Concurrent with this National Notice of Intent to Delete, a notice has been published in local newspapers and has been distributed to appropriate Federal, State and local officials, and other interested parties; and

(4) EPA, Region VIII has made all relevant documents available in the Regional Office and local Site information repositories.

Comments received during the notice and comment period will be evaluated before making a final decision to delete. Region VIII will prepare a Responsiveness Summary, which will