carbonate, which participates in atmospheric photochemical reactions.

(1) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC–113); trichlorofluoromethane (CFC–11); dichlorodifluoromethane (CFC–12); chlorodifluoromethane (HCFC–22); trifluoromethane (HFC–23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC–114); chloropentafluoroethane (CFC–115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC–123); 1,1,1,2-tetrafluoroethane (HFC–134a); 1,1-dichloro 1-fluoroethane (HCFC–141b); 1-chloro 1,1-difluoroethane (HCFC–142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC–124); pentafluoroethane (HFC–125); 1,1,2,2-tetrafluoroethane (HFC–134); 1,1,1-trifluoroethane (HFC–143a); 1,1-difluoroethane (HFC–152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC–225ca); 1,3-dichloro-1,1,2,2,3-pentaflouropropane (HCFC–225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43–10mee); and perfluorocarbon compounds which fall into these classes:

* * * * *

[FR Doc. 96–10809 Filed 4–30–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 52 and 81

[MI43–02–7256; AMS–FRL–5466–6]

Approval And Promulgation Of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking; extension of the comment period.

SUMMARY: The EPA is extending the comment period for a proposed action published on April 2, 1996 (61 FR 14522) pertaining to the Grand Rapids moderate ozone nonattainment area. On April 2, 1996, the EPA proposed approval of Michigan's request to redesignate the Grand Rapids moderate ozone nonattainment area to attainment for ozone and associated section 175A maintenance plan revision to the Michigan State Implementation Plan (SIP) contingent on the State's submittal of a revision to the maintenance plan to incorporate 3 additional control programs to the list of contingency measures. On April 19, 1996, the EPA received a request for an extension of the public comment period based on the fact that the revision to the section 175A maintenance plan SIP was not available in the EPA's docket until April 15, 1996. Since the revision to the section 175A maintenance plan SIP revision was not available for approximately the first two weeks of the public comment period, the EPA is extending the comment period only on the aspects of the redesignation and corresponding section 175A maintenance plan SIP revision components pertaining to the State's revision to the maintenance plan submitted on April 15, 1996 for 14 days. The public comment period pertaining to the other components of the redesignation request and maintenance plan SIP revision are not extended and comments on these components are due to EPA by May 2, 1996.

DATES: Comments on the aspects of the April 2, 1996, (61 FR 14522) proposed action on the redesignation and corresponding section 175A maintenance plan pertaining to the State's April 15, 1996 SIP revision must be received in writing by May 16, 1996.

FOR FURTHER INFORMATION CONTACT: Jacqueline Nwia, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6081.

SUPPLEMENTARY INFORMATION:

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Motor vehicle pollution, Nitrogen oxides, Ozone, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 24, 1996.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96–10782 Filed 4–30–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[OPP–300422; FRL–5362–9]

RIN 2070–AB18

Capsaicin, and Ammonium Salts of Fatty Acids; Proposed Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: For the pesticides subject to the actions listed in this proposed rule, EPA has completed the reregistration process and issued a Reregistration Eligibility Decision (RED). In the reregistration process, all information to support a pesticide's continued registration is reviewed for adequacy and, when needed, supplemented with new scientific studies. Based on the RED tolerance assessments for the pesticide chemicals subject to this proposed rule, EPA is proposing to exempt from the requirement of a tolerance, all registered food uses for the pesticides, capsaicin and ammonium salts of fatty acids.

DATES: Written comments, identified with the docket number [OPP–300422] should be submitted to EPA by July 1, 1996.

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. Information submitted as a comment concerning this notice 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(s) 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 to the submitter. Any written comments will be available for public inspection in Rm. 1132 at the Virginia 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 [OPP–300422]. 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: David H. Chen, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Special Review Branch, Crystal Station #1, 3rd floor, 2800 Crystal Drive, Arlington, VA 22202. Telephone: (703)–308–8017, e-mail: chen.david@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Legal Authorization

The Federal Food, Drug, and Cosmetic Act (FFDCA, 21 U.S.C. 301 et seq.) authorizes the establishment of tolerances (maximum legal residue levels) and exemptions from the requirement of a tolerance for residues of pesticide chemicals in or on raw agricultural commodities pursuant to section 408 [21 U.S.C. 346(a)]. Without such tolerances or exemptions, a food containing pesticide residues is considered ''adulterated'' under section 402 of the FFDCA, and hence may not legally be moved in interstate commerce [21 U.S.C. 342]. To establish a tolerance or an exemption under section 408 of the FFDCA, EPA must make a finding that the promulgation of the rule would ''protect the public health'' [21 U.S.C. 346a(b)]. For a pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

In 1988, Congress amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.) and required EPA to review and reassess the potential hazards arising from currently registered uses of pesticides registered prior to November 1, 1984. As part of this process, the Agency must determine whether a pesticide is eligible for reregistration or whether any subsequent actions are required to fully attain reregistration status. EPA has chosen to include in the reregistration process a reassessment of existing tolerances or exemptions from the need for a tolerance. Through this reassessment process, based on more recent data, EPA can determine whether a tolerance must be amended, revoked, or established, or whether an exemption from the requirement of one or more tolerances must be amended or is necessary.

The procedure for establishing, amending, or revoking tolerances or exemptions from the requirement of tolerances is set forth in 40 CFR parts 177 through 180. The Administrator of EPA, or any person by petition, may initiate an action proposing to establish, amend, revoke, or exempt a tolerance for a pesticide registered for food uses. Each petition or request for a new tolerance, an amendment to an existing tolerance, or a new exemption from the requirement of a tolerance must be accompanied by a fee. Current Agency policy on tolerance actions arising from the reregistration process is to administratively process some actions without requiring payment of a fee; this waiver of fees applies to revisions or revocations of established tolerances, and to proposed exemptions from the requirement of a tolerance if the proposed exemption requires the concurrent revocation of an established tolerance. Comments submitted in response to the Agency's published proposals are reviewed; the Agency then publishes its final determination regarding the specific tolerance actions.

II. Chemical-Specific Information and Proposed Actions

A. Capsaicin: Exemption from the Requirement of a Tolerance

1. *Regulatory history*. Capsaicin (8-methyl-*n*-vanillyl-6-non) and related capsaicinoids are the ingredients that produce the ''hotness''in certain species of peppers in the Genus Capsicum. When used as a toxicant or repellent, products may consist simply of ground hot peppers or as an oleoresin extracted from the ground hot peppers. In either case, the amount of the actives must be verified by High Performance Liquid Chromatography. Products containing capsaicin and related capsaicinoids typically are formulated alone or in combinations with other active ingredients, such as garlic, allyl isothiocyanate (the active ingredient in oil of mustard), and egg solids. Formulations include dusts, granulars, gels, aerosols, and liquids. The U.S. Department of Agriculture first registered a product containing these actives in 1962, as a dog-attack repellent (Reregistration Eligibility Document for Capsaicin, Case 4018, U.S. Environmental Protection Agency, June 1992, Page 3).

Currently, capsaicin is registered for use as an animal repellent against attacking dogs, birds, voles, deer, rabbits, and tree squirrels, and for use as an insect toxicant and repellent. Capsaicin products are used indoors in crack and crevice, on carpets and upholstered furniture, and outdoors on fruit and vegetable crops, grains, ornamental plants and shrubs, flowers, lawns, gardens and garbage bags. Because capsaicin is a naturally-occurring substance which exhibits a non-toxic mode of action in humans, in 1991, EPA reclassified capsaicin as a biochemical pesticide.

2. *Current proposal*. Red peppers have long been used as a food without any known adverse health effects to man. In the absence of known toxicological concerns from the ingestion of capsaicin and related capsaicinoids, the Agency does not believe a tolerance for capsaicin is needed to protect the public health. Therefore, EPA proposes to exempt capsaicin from the requirement of a tolerance for residues in or on fruits, vegetables, and grains.

B. Ammonium Salts of Fatty Acids: Exemptions from the Requirement of a Tolerance

1. *Regulatory history*. Pesticidal products containing mineral salts of fatty acids were first registered in 1947 (Reregistration Eligibility Document for Soap Salts, Case 4083, U.S. Environmental Protection Agency, September 1992). Currently, the two active ingredients are potassium salts of fatty acids, which are registered as insecticides, acaricides, herbicides, and algaecides, and ammonium salts of fatty acids which are registered for use as rabbit and deer repellent on forage and grain crops, vegetables, and field crops. Similar to potassium salts of fatty acids, structurally, ammonium salts are linked with naturally occurring fatty acids comprising of C_8-C_{18} saturated and C_{18} unsaturated chain lengths. Naturally occurring fatty acids constitute a significant part of the normal daily diet, are of low toxicity when taken orally, and pose no known health risks. The residues of these salts of fatty acids from pesticide use are not likely to exceed levels of naturally occurring fatty acids in commonly eaten foods. Both potassium and ammonium salts of fatty acids are generally recognized as safe by the Food and Drug Administration of the Department of Health and Human Services. An exemption from the requirement of a tolerance for all food uses already exists for potassium salts of fatty acids (40 CFR 180.1068).

2. *Current proposal*. On September 10, 1980, the Thompson-Hayward Co.

made a formal request to the EPA for an exemption from the requirement of a tolerance for ammonium salts of fatty acids. The request was reviewed by the Agency, which had no objections to the addition of food uses. The addition of food uses was accepted in 1982. However, a formal notice of the proposed exemption was not published in the Federal Register. The Agency is now proposing to establish an exemption from the requirement of a tolerance for all food uses under FFDCA section 408 for ammonium salts of fatty acids, because a tolerance is not needed to protect the public health.

III. Public Comment Procedures

EPA invites interested parties to submit written comments, information, or data in response to this proposed rule. Comments must be submitted by July 1, 1996. Comments must bear a notation indicating the docket number. Three copies of the comments should be submitted to either location listed under ADDRESSES.

Information submitted as a comment concerning this document may be claimed confidential by marking any or all of that information as ''Confidential Business Information'' (CBI). EPA will not disclose information so marked, except in accordance with procedures set forth in 40 CFR part 2. A second copy of such comments, with the CBI deleted, must also be submitted for inclusion in the public record. EPA may publically disclose without prior notice information not marked confidential.

Any person who has registered or submitted an application for registration of a pesticide, under FIFRA, as amended, that contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

EPA has established a record for this proposed rule under docket number [OPP–300422], (including comments 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, except 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

The official record for this proposed rule, 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 proposed rule record which will also include all comments submitted directly in writing. The official proposed rule record is the paper record maintained at the ''ADDRESSES'' at the beginning of this document.

IV. Regulatory Assessment Requirements

To satisfy requirements for analysis specified by Executive Order 12866, the Regulatory Flexibility Act, the Paperwork Reduction Act, and the Unfunded Mandates Reform Act, EPA has considered the impacts of this proposal.

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in 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 tribal governments or communities (also referred to 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 entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; 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 a ''significant regulatory action,'' because it does not meet any of the regulatory-significance criteria listed above.

B. Regulatory Flexibility Act

EPA has reviewed this proposed rule under the Regulatory Flexibility Act of 1980 [Pub. L. 96–354; 94 Stat. 1164, 5 U.S.C. 601 *et seq.*], and has determined that it will not have a significant economic impact on any small businesses, governments, or organizations. The proposed actions are not expected to significantly impact entities of any size.

Accordingly, I certify that this proposed rule does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

C. Paperwork Reduction Act

This proposed regulatory action does not contain any information collection requirements subject to review by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

D. Unfunded Mandates

This proposed rule contains no Federal mandates under Title II of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4, for State, local, or tribal governments or the private sector, because it would not impose enforceable duties on them.

List of Subjects in 40 CFR Part 180

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

Dated: April 12, 1996.

Lois Rossi,

Director, Special Review and Reregistration 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 would continue to read as follows:

Authority: 15 U.S.C. 346a and 371.

2. Section 180.1165 is added to subpart D to read as follows:

§ 180.1165 Capsaicin; exemption from the requirement of a tolerance.

Capsaicin is exempted from the requirement of a tolerance for residues in or on fruits, vegetables, and grains, when used in accordance with labelled rates and with good agricultural practice.

3. Section 180.1166 is added to subpart D to read as follows:

§ 180.1166 Ammonium salts of fatty acids; exemption from the requrement of a tolerance.

Ammonium oleate and related C_8-C_{18} fatty acids ammonium salts, are exempted from the requirement of a tolerance for residues in or on all raw agricultural commodities when used in

accordance with good agricultural practice.

[FR Doc. 96–10804 Filed 4–30–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 21 and 94

[ET Docket No. 95–183; PP Docket No. 93–253; DA 96–455]

37.0–38.6 GHz and 38.6–40.0 GHz Bands and Implementation of Section 309(j) of the Communications Act—Competitive Bidding

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial of request for extension of time.

SUMMARY: The Commission denies an extension of time for filing reply comments in this proceeding on licensing and technical rules for fixed point-to-point microwave operations in the 37.0–38.6 GHz and 38.6–40.0 GHz bands. This action is taken because the filing dates were previously extended and it is the Commission's policy that extensions of time not be routinely granted. The intended effect of this action is to expedite the resolution of the issues raised in this proceeding.

DATES: Reply comments were due on April 1, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Wireless Telecommunications Bureau, (202) 418–0627.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, DA 96–455, adopted March 28, 1996 and released March 28, 1996. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Washington, D.C. 20037.

By this action, we deny a third extension of time in which to file reply comments in this proceeding. (61 FR 2465, January 26, 1996). Bachow and Associates, Inc. (''Bachow''), requested that the time for filing reply comments in this proceeding be extended from April 1, 1996 to April 22, 1996.

By way of background, on January 16, 1996, the Commission's Office of Engineering Technology, on its own motion, extended the initial comment and reply comment period in the above-captioned proceeding from January 16, 1996, and January 31, 1996, respectively, to February 12, 1996, and February 27, 1996, respectively. On February 9, 1996, the Private Wireless Division further extended the deadline for filing comments and replies to March 4, 1996, and April 1, 1996, respectively, at the request of Winstar Wireless Fiber Corporation, GHz Equipment Company, Inc., and the Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association (61 FR 6809, February 22, 1996).

Bachow contends that the volume of comments, the number and complexity of the issues involved and the initial delay in availability of filed comments necessitate an extension of three weeks for the filing of replies. We disagree. The facts of this case do not warrant what, in essence, would be a third extension of the filing period. It is the policy of the Commission that extensions of time not be routinely granted. Upon granting the last extension, the public was fully apprised of our increasing concern over the delay in this proceeding. In requesting additional time, Bachow has failed to cite any convincing reason for again postponing the deadline for filing reply comments.

Ordering Clauses

Accordingly, it is hereby ordered that the Motion for Extension of Time to File Reply Comments filed by Bachow and Associates, Inc., on March 25, 1996 is denied.

This action is taken pursuant to the authority provided in Section 1.46 of the Commission's Rules.

Federal Communications Commission.

Robert H. McNamara,

Chief, Private Wireless Division, Wireless Telecommunications Bureau.

[FR Doc. 96–10165 Filed 4–30–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1100 Through 1149

[STB Ex Parte No. 527]

Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings

AGENCY: Surface Transportation Board.

ACTION: Advance notice of proposed rulemaking; extension of comment due date.

SUMMARY: The original comment due date in this proceeding of May 6, 1996, is extended to May 20, 1996, at the request of the Association of American Railroads (AAR), Edison Electric Institute (EEI), National Grain & Feed Association (NG&FA), National Industrial Transportation League (NITL), The Society of the Plastics Industry, Inc. (SPI), and Western Coal Traffic League (WCTL).

DATES: Comments are due on May 20, 1996.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 527 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Ave., N.W., Washington, DC 20423–0001. Parties are encouraged to submit all pleadings and attachments on a 3.5-inch diskette in WordPerfect 5.1 format.

FOR FURTHER INFORMATION CONTACT: Thomas J. Stilling, (202) 927–7312. (TDD for the hearing impaired: (202) 927–5721.)

SUPPLEMENTARY INFORMATION: On March 22, 1996, an Advance Notice of Proposed Rulemaking (ANPR) was served and published in the Federal Register, at 61 FR 11799, soliciting comments on how existing regulations could be modified to expedite the handling of rail rate reasonableness and exemption/revocation proceedings. On April 19, 1996, AAR, EEI, NG&FA, NITL, SPI, and WCTL jointly requested an extension of the comment due date until May 20, 1996, so that they can better respond to the ANPR. Because the parties requesting the extension represent a significant segment of railroad and shipper interests that are seeking ''to identify and develop consensus positions on the major issues,'' the due date for comments is extended to May 20, 1996. Given our tight statutory deadline, we do not anticipate further extensions.

Decided: April 26, 1996.