estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: May 6, 1996.

John P. DeVillars,

Regional Administrator, Region I.

Table I to the Preamble

Reconfirmation of Part 60 and 61 Delegations

Part 60 Subpart Categories

Da ELECTRIC UTILITY STEAM GENERATORS
Dc SMALL INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS
E INCINERATORS
I ASPHALT CONCRETE PLANTS
RR TAPE AND LABEL SURFACE COATINGS
OOO NONMETALLIC MINERAL PROCESSING PLANTS
UUU CALCINERS AND DRYERS IN MINERALS INDUSTRY

Part 61 Subpart Categories

M ASBESTOS

[FR Doc. 96–13151 Filed 5–23–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 136

[FRL–5509–7]

Guidelines Establishing Test Procedures for the Analysis of Oil and Grease and Total Petroleum Hydrocarbons: Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; reopening of comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is reopening the comment period for the proposal to amend the Guidelines Establishing Test Procedures under section 304(h) of the Clean Water Act to replace existing gravimetric test procedures for the conventional pollutant ''oil and grease'' with EPA Method 1664, which was published in the Federal Register on January 23, 1996 (61 FR 1730). The public comment period for the proposed rule ended on March 25, 1996.

EPA has received several requests for an extension of time to comment on the proposed rule, on the grounds that several issues that the rule addresses require additional time for a proper evaluation. The Agency has determined that an extension of time is in the public interest, and that an additional 60 days to comment on the proposed rule is reasonable.

DATES: Comments on this proposal will be accepted until July 23, 1996.

ADDRESSES: Send written comments on the proposed rule to ''Method 1664'' Comment Clerk; Water Docket MC–4101; Environmental Protection Agency; 401 M Street, S.W.; Washington, D.C. 20460. Commenters are requested to submit any references cited in their comments. Commenters are also requested to submit an original and 3 copies of their written comments and enclosures. Commenters who want receipt of their comments acknowledged should include a self addressed, stamped envelope. All comments must be postmarked or delivered by hand by July 23, 1996. No facsimiles (faxes) will be accepted.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Honaker, Engineering and Analysis Division (4303), USEPA Office of Science and Technology, 401 M Street, S.W., Washington, D.C., 20460, or call (202) 260–2272.

SUPPLEMENTARY INFORMATION: On January 23, 1996, EPA published a proposed rule at 61 FR 1730 to replace existing gravimetric procedures for the conventional pollutant ''oil and grease'' (40 CFR 401.16) with EPA Method 1664 as part of EPA's effort to reduce dependency on the use of chlorofluorocarbons (CFCs). Method 1664 uses normal hexane (n-hexane) as the extraction solvent in place of 1,1,2-trichloro-1,2,2-trifluoroethane (CFC–113). This proposal would withdraw approval of EPA Method 413.1 and Standard Methods Method 5520B, which use CFC–113 as the extraction solvent. In an effort to provide for the use and depletion of existing laboratory stocks of CFC–113, EPA plans to implement the required use of Method 1664 no sooner than six months after the final rule is published in the Federal Register. Method 1664 was also proposed for the determination of total petroleum hydrocarbons.

This extension of time for comment neither represents any modification of the proposed rule, nor indicates a change in the Agency's interpretation of the existing requirements. The extension of time for receipt of comments simply provides those interested parties an additional 60 days to provide comments to the Agency on the proposed rule. All other requirements stipulated in the initial proposal for receipt of comments still apply.

All written comments submitted in accordance with the instructions in the Notice of Proposed Rulemaking and received by July 23, 1996, including those received between the close of the comment period on March 25, 1996, and the publication of this notice, will be entered into the public record and considered by EPA before promulgation of the final rule.

Dated: May 17, 1996.

Robert Perciasepe,

Assistant Administrator for Water.

[FR Doc. 96–13087 Filed 5–23–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[PP4E4420 and 6E4638/P656; FRL–5370–2]

RIN 2070–AC18

Metolachlor; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish time-limited tolerances for residues of the herbicide metolachlor and its metabolites in or on the raw agricultural commodities pepper, and forage and hay of the grass forage, fodder and hay crop group (excluding Bermudagrass). The proposed regulation to establish maximum permissible levels for residues of the herbicide was requested in petitions submitted by the Interregional Research Project No. 4 (IR-4). The tolerances would expire on December 31, 1998.

DATES: Comments, identified by the docket number [PP 4E4420 and 6E4638/P656], must be received on or before June 24, 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 Highway, Arlington, VA 22202. Comments and data may also be submitted to OPP 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 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 4E4420 and 6E4638/P656]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the ''SUPPLEMENTARY INFORMATION'' section of this document.

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). CBI should not be submitted through e-mail. Information marked as CBI 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 Virginia address given above, from 8 a .m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, (703) 308–8783; e-mail: jamerson.hoyt@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions (PP) 4E4420 and 6E4638 to EPA on behalf of the named Agricultural Experiment Stations. These petitions request that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.368 by establishing tolerances for combined residues (free and bound) of the herbicide metolachlor [2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)acetamide], and its metabolites, determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound, in or on certain raw agricultural commodities as follows:

1. PP 4E4420. Petition submitted on behalf of the Experimental Stations of Arkansas, Florida, Georgia, Oklahoma, South Carolina, and Texas proposing a time-limited tolerance for pepper at 0.5 part per million (ppm).

IR-4 also proposed that the established tolerances for combined residues of metolachlor and its metabolites on bell pepper at 0.1 ppm, chili pepper at 0.5 ppm, Cubanelle pepper at 0.1 ppm, and tabasco pepper at 0.5 ppm be removed. The established metolachlor tolerances for these varieties of pepper are no longer needed, since the proposed tolerance for pepper will apply to all varieties of pepper. The commodity term ''pepper'' is defined in 40 CFR 180.1(h) to include all varieties of pepper.

2. PP 6E4638. Petition submitted on behalf of the Experimental Station of Oregon proposing time-limited tolerances for forage at 10 ppm and hay at 0.2 ppm of the grass forage, fodder and hay crop group (excluding Bermudagrass). IR-4 proposed the tolerances in support of regional registration for use of metolachlor on grass grown for seed in Idaho, Oregon and Washington. The use of metolachlor on grass grown for seed will be limited to production areas in Idaho, Oregon, and Washington based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above. EPA is establishing these tolerances with an expiration date of December 31, 1998, to allow IR-4 time to submit additional residue data in support of permanent tolerances for pepper and the grass forage, fodder, and hay crop group (excluding Bermudagrass). IR-4 has agreed to provide magnitude of residue data from three additional field trials for bell pepper, and five additional field trials for grass forage and hay.

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. A 1–year feeding study with dogs fed diets containing 0, 100, 300, or 1,000 ppm (equivalent to 3.5, 9.7 or 32.7 mg/kg/day for males and 3.6, 9.7 or 33.0 mg/kg/day for females) with a systemic no-observed effect level (NOEL) of 300 ppm (9.7 mg/kg/day) based on decreased body weight in females.

2. A 2–year feeding/carcinogenicity study with rats fed diets containing 0, 30, 300, 1,000, or 3,000 ppm (equivalent to 0, 1.5, 15, 50, or 150 mg/kg/day) with a compound related increase in liver adenomas and combined adenomas/carcinomas in female rats at the high dose level. This study, which was performed by Industrial Biotest, was classified as supplemental data due to inadequate clinical chemistry determination and dietary preparation records.

3. A 2–year feeding/carcinogenicity study with rats fed diets containing 0, 30, 300, or 3,000 ppm (equivalent to 0, 1.5, 15, or 150 mg/kg/day) with a systemic NOEL of 300 ppm based on decreased body weight at the 3,000 ppm dose level. A statistically significant increase in liver neoplasia was found in female rats at the 3,000 ppm dose level.

4. A 2–year carcinogenicity study in mice fed diets containing 0, 300, 1,000 and 3,000 ppm (highest dose level equivalent to 428 mg/kg/day) with no treatment related carcinogenic effects observed under the conditions of the study.

5. A second 2–year carcinogenicity study in mice fed diets containing 0, 300, 1,000 or 3,000 ppm with no treatment related carcinogenic effects observed under the conditions of the study.

6. A 2–generation reproduction study in rats fed diets containing 0, 30, 300 or 1,000 ppm with a reproductive NOEL of 300 ppm (equivalent to 23.5 to 26 mg/kg/day) based on reduced pup weights in the F1a and F2a litters at the 1,000 ppm dose level (equivalent to 75.8 to 85.7 mg/kg/day). The NOEL for parental toxicity is equal to or greater than the 1,000 ppm dose level.

7. A developmental toxicity study in rabbits given gavage doses at 0, 36, 120 or 360 mg/kg/day on gestation days 6 through 18. The NOEL for maternal toxicity was established at 120 mg/kg/day based on lacrimation, miosis, reduced food consumption and body weight gain. There was no developmental toxicity observed under the conditions of the study.

8. A second developmental toxicity study in rats given gavage doses of 0, 30, 100, 300, or 1,000 mg/kg/day on gestation days 6-15. The NOEL's for maternal and developmental toxicity were established at 300 mg/kg/day. The NOEL for maternal toxicity was based on deaths, salivation, lacrimation, convulsions, reduced body weight and food consumption at the 1,000 mg/kg/day dose level. The NOEL for developmental toxicity was based on

reduced mean fetal body weight, reduced number of implantations/dam with resulting decreased litter size, and a slight increase in resorptions/dam with resulting increase in post-implantation loss.

9. Metolachlor was not found to be mutagenic in any tests. Mutagenicity data include gene mutation assays in Salmonella and mouse lymphoma cells; structural chromosome aberration tests including an *in vivo* micronucleus assay in Chinese hamsters and a dominant lethal assay in mice; and other genotoxic activity tests including DNA damage/repair assays in rat hepatocytes and in human fibroblasts, and an *in vivo/in vitro* unscheduled DNA synthesis assay.

10. Several metabolism studies have been performed with metolachlor and the available data indicate the compound is readily absorbed after oral dosing and excreted in approximately equal amounts in urine and feces.

Metolachlor was evaluated by the Office of Pesticide Programs' Health Effects Division, Carcinogenicity Peer Review Committee (CPRC) in 1991 and classified as a Group C (possible carcinogen) with a recommendation for the quantification of estimated potential human risk using a linearized low-dose extrapolation (Q*). This recommendation was based on the finding of liver tumors in female rats at the 3,000 ppm dose level in both rat studies and the apparent induction of a small number of nasal turbinate tumors in both sexes of rats at the 3,000 ppm dose level. Nasal turbinate tumors have also been associated with dietary administration of acetochlor and alachlor, structurally related herbicides that are classified as Group B2 carcinogens (probable human carcinogens).

The Carcinogenicity Peer Review Committee's decision was presented to the FIFRA Scientific Advisory Panel on September 18, 1991. The Panel concluded that liver tumors were benign and hyperplasia were evident in rats of both sexes. The Panel also concluded that the occurrence of nasal turbinate tumors in rats was low and not statistically significant, but of concern since metolachlor is structurally related to acetochlor and alachlor. The Panel considered the carcinogenicity evidence to be minimal but sufficient for the classification of metolachlor as a Group C carcinogen.

The CPRC met on July 27, 1994, to revaluate the weight-of-the-evidence on metolachlor, with particular reference to its carcinogenicity, based on newly submitted metabolism and mutagenicity studies. The registrant submitted data to show that the metabolism of metolachlor is substantially different from the metabolism of acetochlor and alachlor. Metolachlor does not metabolize to form a reactive quinone imine, which is presumed to be the carcinogenic metabolite of acetochlor and alachlor. There was also no evidence for mutagenic potential of metolachlor. Based on these data and in consideration of the full weight-of-the-evidence, the CPRC concluded that the classification of metolachlor should remain as a Group C carcinogen, but recommended that the Reference Dose (RfD) should be used for quantification of human risk.

The RfD is established at 0.1 mg/kg of body weight (bwt)/day, based on a NOEL of 9.7 mg/kg/day from the 1–year feeding study with dogs and an uncertainty factor of 100. Available information on anticipated residues and/or percent of crop treated were used to estimate the Anticipated Residue Contribution (ARC) from residues of metolachlor in the human diet. The ARC from established tolerances and the proposed tolerances for pepper and forage and hay of the grass, forage, fodder and hay group is estimated at 0.0006 mg/kg bwt/day and utilizes 0.6 percent of the RfD for the U.S. population. The ARC for non-nursing infants (the subgroup most highly exposed) utilizes 2 percent of the RfD. EPA generally has no concern for exposures below 100 percent of the RfD and concludes that the proposed uses of metolachlor on pepper and grass grown for seed pose negligible dietary cancer risks to humans.

Adequate analytical methods are available for enforcement purposes. The methods are listed in the Pesticide Analytical Manual, Vol. II (PAM II). The qualitative nature of the residues in plants and animals is adequately understood. The established tolerances for milk and meat, fat, kidney, liver and meat byproducts of livestock are adequate to cover secondary residues resulting from the proposed use on grass grown for seed. There are no livestock feed commodities associated with pepper.

There are presently no actions pending against the continued registration of this chemical. The pesticide is considered useful for the purpose for which the tolerances are sought.

Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerances 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 notice 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 docket number [PP 4E4420 and 6E4638/P656].

A record has been established for this rulemaking under docket number [PP 4E4420 and 6E4638/P656] (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.

This action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub.L. 104–4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to the requirements of the Regulatory Flexibility Act (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 explaining the factual basis for this determination 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: May 10, 1996.

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 § 180.368, by removing ''peppers, bell'' from the table in paragraph (a), by revising the table in paragraph (c) and by adding a new paragraph (d) to read as follows:

§ 180.368 Metolachlor; tolerances for residues.

* * * * *

(c)* * *

Commodity	Parts per million	Expiration date
Onions, dry bulb	1.0	.....
Grass forage, fodder and hay group (excluding Bermudagrass), forage	10	December 31, 1998
Grass forage, fodder and hay group (excluding Bermudagrass), hay	0.2	December 31, 1998

(d) A time-limited tolerance is established for the combined residues (free and bound) of the herbicide metolachlor [2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)acetamide], and its metabolites, determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound in or on the following raw agricultural commodity:

Commodity	Parts per million	Expiration date
Pepper	0.5	December 31, 1998

[FR Doc. 96–13022 Filed 5–23–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I and Part 64

[CC Docket No. 96–98; CC Docket No. 96–112; DA 96–753]

Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Allocation of Costs Associated With Local Exchange Provision of Video Programming Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Common Carrier Bureau released a public notice inviting parties filing comments or reply comments on the Notice of Proposed Rulemaking in CC Docket No. 96–98, regarding implementation of the local competition provisions in the Telecommunications Act of 1996, and the Notice of Proposed Rulemaking in CC Docket No. 96–112, regarding allocation of costs associated with local exchange provision of video programming services, to submit proposed language for rules that the Commission could adopt in these proceedings. Such proposed language will not be counted against the page limits set forth in those notices.

DATES: Comment dates in CC Docket No. 96–98 are May 16, 1996, with reply comments due May 30, 1996, and also May 20, 1996, with reply comments due June 3, 1996. Comments in CC Docket No. 96–112 are due May 28, 1996; reply comments are due June 7, 1996.

ADDRESSES: Comments must be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D. C. 20554. The complete text of the Notice released by the Commission is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D. C. 20554.

FOR FURTHER INFORMATION CONTACT: Paul Gallant (202/418–1941), Policy and Program Planning Division, Common Carrier Bureau.