

that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a Federal mandate that may result in 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 pre-existing 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 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: August 14, 1996.

Jack W. McGraw,

Acting Regional Administrator.

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40 CFR Parts 180 & 185

[OPP-300360B; FRL-5394-6]

RIN 2070-AB78

Pesticides; Extension of Time for Filing Objections and Requests for Hearing for Food Additive Revocations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension.

SUMMARY: EPA is extending by 30 days the time period for filing objections, requests for hearings and requests for stays pertaining to a final rule revoking the food additive tolerances for certain uses of acephate, iprodione, imazalil and triadimefon. EPA is also extending the effective date of the revocation by 30 days. EPA is taking this action under the provisions of the Food, Drug and Cosmetic Act, as modified by the recently enacted Food Quality Protection Act.

DATES: The effective date of September 27, 1996 of the final rule published at 61 FR 39528, July 29, 1996 is extended to October 28, 1996. The date for objections, requests for hearings, or stays is extended from August 28, 1996 to September 27, 1996.

FOR FURTHER INFORMATION CONTACT: Jean M. Frane, Policy and Special Projects Staff (7501C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1113, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5944. e-mail: frane.jean@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 29, 1996 (61 FR 39528)(FRL-5388-2), EPA issued an order revoking six food additive tolerances for four pesticides. EPA revoked four tolerances based on the determination that the tolerances were inconsistent with the Delaney clause in section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA), and two tolerances because they are not needed to prevent the adulteration of food. In the final rule, EPA set an effective date of September 27, 1996 for the revocations. Any person adversely affected by the July 29, 1996 Order was allowed 30 days to: (1) file written objections to the order, (2) file a written request for an evidentiary hearing on the objections, and (3) file a petition for a stay of the effective date. Under the original date, objections and requests for hearing were to be filed by August 28, 1996.

Subsequently, on August 3, 1996, the President signed the Food Quality Protection Act of 1996 (FQPA) (Pub.L. 104-170). Among other things, this new law revised the procedures for objecting to Agency decisions on tolerance regulations. FFDCA 408(g)(2)(A) now provides 60 days instead of 30 days for the filing of objections and requests for hearings. These provisions were effective immediately upon enactment.

EPA has received requests from Valent U.S.A., Bayer Corporation and Whitmire MicroGen, requesting that, in light of other provisions of the new FQPA, EPA should extend the time for filing objections and hearing requests, or should withdraw the revocations altogether. The requesters suggest that the Agency's basis for revocations under the Delaney clause of section 409 of the FFDCA has been nullified by the enactment of the FQPA, which takes pesticide tolerances out from under the provisions of section 409 entirely. EPA believes there is merit in this argument and is currently developing an appropriate regulatory order. Given that this order is not yet complete, however,

EPA believes it is reasonable to extend the time for filing objections and requests for hearing in accordance with the new timeframes in section 408(g). EPA is taking this action in its discretion and upon its own initiative.

Accordingly, by this document, EPA is extending the date by which objections and requests for hearings and stays can be filed, and also extending the effective date of the final rule revoking the food additive tolerances for certain uses of acephate, iprodione, imazalil and triadimefon, published at 61 FR 39528, July 29, 1996.

Dated: August 22, 1996.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides, and Toxic Substances.

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40 CFR Part 300

[FRL-5554-7]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent for partial deletion of the Commencement Bay Nearshore/Tideflats Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces its intent to delete portions of the Commencement Bay Nearshore/Tideflats (CB/NT) Superfund 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), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

This proposal for partial deletion pertains only to portions of Operable Unit (OU) 1—CB/NT Sediments, and Operable Unit (OU) 5—CB/NT Sources. Specifically, it pertains to the sediments contained in and upland properties draining only to the St. Paul or Blair Waterways, and to four properties which were transferred to the Puyallup Tribe of Indians under the Puyallup Land Settlement Act of 1989 ("Puyallup Land Settlement Properties"). The four Puyallup Land Settlement Properties proposed for deletion are the: Taylor