administrative permit amendment procedure meet the provisions of 40 CFR 70.7(d)(1)(v).

3. Revise Regulation 30, Section 7(f)(4) to require that permits for major sources with a permit term of three years or more shall be reopened for cause within 18 months after a new applicable requirement is promulgated, consistent with 40 CFR 70.7(f).

4. Revise Regulation 30, Section 7(j)(4) to require that the Department shall give notice of any public hearing at least 30 days in advance of the hearing, consistent with 40 CFR 70.7(h)(4).

5. Revise the Delaware Water and Air Resources Act, 7 *Del. C.*, Chapter 60, section 6013(b) to provide that each day of violation shall be considered as a separate violation, consistent with 40 CFR 70.11.

This interim approval, which may not be renewed, extends for a period of up to 2 years. During the interim approval period, Delaware is protected from sanctions for failure to have a fully approved Title V, Part 70 program, and EPA is not obligated to promulgate a federal permits program in the State. Permits issued under a program with interim approval have full standing with respect to Part 70, and the 1-year time period for submittal of permit applications by subject sources begins upon interim approval, as does the 3-year time period for processing the initial permit applications.

Requirements for approval, specified in 40 CFR 70.4(b), encompass the CAA's section 112(l)(5) requirements for approval of a program for delegation of section 112 standards applicable to Part 70 sources as promulgated by EPA. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under Part 70.

Therefore, EPA is also proposing under section 112(l)(5) and 40 CFR 63.91 to grant approval of the State's program for receiving delegation of section 112 standards that are unchanged from federal standards as promulgated. This program for delegations only applies to sources covered by the Part 70 program.

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action to propose interim approval of the State of Delaware's operating permits program pursuant to Title V of the CAA and 40 CFR part 70 does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

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: September 13, 1995.

Stanely L. Laskowski,

Acting Regional Administrator.

[FR Doc. 95–23435 Filed 9–20–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 799

[OPPTS–42111H; FRL–4972–3]

RIN 2070–AB94

Office of Water Chemicals Test Rule Proposed Modification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to withdraw the testing requirements for chloroethane, one of the chemical substances listed in the Office of Water Chemicals test rule published in the Federal Register of November 10, 1993. EPA believes that data recently made available provides sufficient information to determine or predict the health effects posed by short and long-term exposures to chloroethane. Therefore, EPA is proposing the withdrawal of the 14-day and 90-day testing requirements for chloroethane.

DATES: Written comments must be received by EPA on or before October 23, 1995.

ADDRESSES: Submit written comments, identified by the docket control number (OPPTS–42111H), in triplicate to: Document Control Office (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Rm. G–099, 401 M St., SW., Washington, DC 20460. A public version of the administrative record supporting this action, without Confidential Business Information (CBI), is available for inspection in the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC 20460, from 12 noon to 4 p.m., Monday through Friday, except legal holidays.

Comments and data may 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 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–42111H. No 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 in Unit IV. of this preamble.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551, e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This document proposes to withdraw certain testing requirements for one of the chemical substances listed in the Office of Water Chemicals test rule referenced above.

I. Summary of Proposed Modification

Pursuant to section 4 of the Toxic Substances Control Act (TSCA) EPA proposed a test rule (FRL–3712–5) in the Federal Register of May 24, 1990 (55 FR 21393), and finalized the test rule (FRL–4047–2) in the Federal Register of November 10, 1993 (58 FR 59667), requiring certain testing of chloroethane. The final rule concluded that chloroethane is produced in substantial quantities and that there may be substantial exposure to it, there are insufficient data to determine or predict the health effects from short and long-term exposures to chloroethane in drinking water, and that testing is required to determine or predict the health effects from short and long-term exposures to chloroethane. Based on these conclusions, EPA required a subacute toxicity (oral 14-day repeated dose toxicity) and a subchronic (oral 90-day subchronic toxicity) toxicity test. The data from these studies would be used to develop Health Advisories (HAs) for chloroethane in drinking water as under section 1445 of the Safe Drinking Water Act (SDWA).

EPA has recently received information which, in the judgment of EPA, provides sufficient information to determine or predict the health effects from exposure to chloroethane in drinking water (Ref. 1a). On May 1, 1995, the Dow Chemical Company submitted a study entitled ''Ethyl Chloride Palatability and 14-day

Drinking Water Toxicity Study in Fischer 344 Rats.'' The study concluded that there were no toxicological effects from the drinking water administration of chloroethane to the treated rats at the level of practical saturation. After submission of additional information requested by the Agency (Refs. 2, 2a, 3, and 4), EPA conducted a review (Ref. 5). The EPA review, dated July 14, 1995, concluded that the 14-day study provided sufficient information to establish appropriate Health Advisories. Therefore, there is no reason to continue to require the testing specified for chloroethane in the Office of Water Chemicals test rule.

EPA is providing 30 days from publication of this proposed modification for submission of written comments on the elimination of both the subacute (oral 14-day repeated dose toxicity) and subchronic (oral 90-day subchronic toxicity) toxicity test requirements for chloroethane. If the 30-day deadline passes and no adverse public comments have been received, EPA will grant the proposed modification to delete these tests in a final rule published in the Federal Register.

II. Comments Containing Confidential Business Information

Any person who submits comments claimed as CBI must mark the comments as ''confidential,'' ''trade secret,'' or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR part 2. Any party submitting confidential comments must prepare and submit a public version of the comments for the EPA public file.

III. Analyses Under Executive Order 12866, the Unfunded Mandates Act of 1995, the Regulatory Flexibility Act, and the Paperwork Reduction Act

Because this action reduces certain pending requirements, this action is not ''significant'' within the meaning of Executive Order 12866 (58 FR 51735, October 4, 1993), and does not impose any Federal mandate on any State, local, or tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reasons, pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), it has been determined that this action will not have a significant economic impact on a significant number of small entities. Additionally, the information collection requirements associated with TSCA Section 4 Test Rules have been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, and have been assigned OMB control number 2070–0033. EPA has determined that this proposed rule eliminates certain pending recordkeeping and reporting requirements.

IV. Rulemaking Record

A record has been established for this proposed rule under docket number ''OPPTS–42111H'' (including comments and data submitted electronically as described below). A public version of the record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, except 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 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 record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

The record includes the following information:

(1) Letter from Annette L. Hayes of Latham Watkins to Amber L. Aranda, U.S.E.P.A. transmitting April 28, 1995 Dow Chemical Study (May 1, 1995) (with attachment:).

(a) Dow Chemical Company. Study titled ''Ethyl Chloride: Palatibility and 14-Day Drinking Water Toxicity Study in Fischer 344 Rats'' (April 28, 1995).

(2) Facsimile note from Roger A. Nelson, U.S.E.P.A. to Dr. Lynn Pottenger, The Dow Chemical Company requesting information (June 7, 1995) (with attachment:).

(a) Memorandum from Jennifer Orme-Zavaleta, U.S.E.P.A. to Frank Kover, U.S.E.P.A. requesting additional data (June 5, 1995).

(3) Letter from Lynn Pottenger, The Dow Chemical Company to Roger Nelson, U.S.E.P.A., Re: Questions on Chloroethane Study Report (June 9, 1995).

(4) The Dow Chemical Company. ''Report Addendum'' to Ethyl Chloride: Palatibility and 14-Day Drinking Water Toxicity Study in Fischer 344 Rats (June 9, 1995).

(5) Memorandum from Jennifer Orme-Zavaleta, U.S.E.P.A. to Frank Kover, U.S.E.P.A. Office of Water Review (July 14, 1995).

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Chemical export, Hazardous substances, Health effects, Incorporation by reference, Laboratories, Provisional testing, Reporting and recordkeeping requirements, Testing.

Dated: September 12, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 799 be amended as follows:

PART 799—IDENTIFICATION OF SPECIFIC CHEMICAL SUBSTANCE AND MIXTURE TESTING REQUIREMENTS

1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.5075 is amended by revising paragraphs (a)(1), (c)(1)(i)(A), and (c)(2)(i)(A) to read as follows:

§ 799.5075 Drinking water contaminants subject to testing.

(a) *Identification of test substance.* (1) 1,1,2,2-Tetrachloroethane (CAS No. 79–34–5), and 1,3,5-trimethylbenzene (CAS No. 108–67–8) shall be tested as appropriate in accordance with this section.

* * * * *

(c) *Health effects testing*—(1) *Subacute toxicity*—(i) *Required testing.* (A) An oral 14-day repeated dose toxicity test shall be conducted with 1,1,2,2-tetrachloroethane, and 1,3,5-trimethylbenzene in accordance with § 798.2650 of this chapter except for the provisions in § 798.2650 (a), (b)(1), (c), (e)(3), (e)(4)(i), (e)(5), (e)(6), (e)(7)(i), (e)(7)(iv), (e)(7)(v), (e)(8)(vii), (e)(9)(i)(A), (e)(9)(i)(B), (e)(11)(v), and (f)(2)(i). Each substance shall be tested in one mammalian species, preferably a rodent, but a non-rodent may be used. The species and strain of animals used in this test should be the same as those used in the 90-day subchronic test required in paragraph (c)(2)(i) of this section. The tests shall be performed using drinking water. However, if, due to poor stability or palatability, a drinking water test is not feasible for a given substance, that substance shall be

administered either by oral gavage, in the diet, or in capsules.

* * * * *

(2) *Subchronic toxicity*—(i) *Required testing.* (A) An oral 90-day subchronic toxicity test shall be conducted with 1,3,5-trimethylbenzene in accordance with § 798.2650 of this chapter except for the provisions in § 798.2650 (e)(3), (e)(7)(i), and (e)(11)(v). The test shall be performed using drinking water. However, if, due to poor stability or palatability, a drinking water test is not feasible for a given substance, that substance shall be administered either by oral gavage, in the diet, or in capsules.

* * * * *

[FR Doc. 95–23460 Filed 9–20–95; 8:45 am]

BILLING CODE 6560–50–F

LEGAL SERVICES CORPORATION

45 CFR Part 1633

Restriction on Representation in Certain Eviction Proceedings

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule is intended to ensure that recipients refrain from using Legal Services Corporation (''LSC'' or ''Corporation'') funds to provide representation in eviction proceedings of persons engaged in certain illegal drug activity.

DATES: Comments must be submitted on or before October 23, 1995.

ADDRESSES: Comments should be submitted to the Office of the General Counsel, Legal Services Corporation, 750 First Street, N.E., 11th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Victor M. Fortuno, General Counsel, at (202) 336–8810.

SUPPLEMENTARY INFORMATION: On June 25, 1995, the Corporation Board of Directors (''Board'') adopted a resolution requiring Corporation staff to prepare a regulation prohibiting the use of Corporation funds to represent in certain eviction proceedings persons alleged to be engaging in illegal drug activity. On September 9, 1995, the Board's Operations and Regulations Committee (''Committee'') held public hearings on proposed 45 CFR Part 1633. After adopting several changes to the staff draft of the regulation, the Committee voted to publish the proposed rule in the Federal Register for notice and comment.

The LSC Act grants the Corporation both general and specific rulemaking authority. *Texas Rural Legal Aid* v. *LSC,* 940 F.2d 685, 690–91 (D.C. Cir. 1991); see *e.g.*, 42 U.S.C. 2996e(a)(1)(A), (a)(1)(B), and 2996f(a)(3). In particular, section 1007(a)(3) of the LSC Act ''gives [the Corporation] substantial power to regulate the 'delivery of legal assistance' by program recipients.'' *TRLA*, at 691. In addition, as a private corporation granted the powers of a District of Columbia nonprofit corporation, 42 U.S.C. 2996e(a), the Corporation has the power to establish the terms under which it will make grants to entities to provide legal assistance. *Id.* Congress intended the exercise of ''considerable discretion'' by the Corporation in its implementation of the LSC Act. *Id.* Finally, under section 1007(a)(2)(C) of the LSC Act, 42 U.S.C. 2996f(a)(2)(C), the Corporation may provide guidance to its recipients as to appropriate caseload matters by establishing national goals, in conformance with which recipients are to establish priorities for the acceptance of cases. *Id.* at 693.

A purpose of the legal services program is to assist in improving opportunities for low income persons. 42 U.S.C. 2996(3). In addition, in its grantmaking and oversight functions, the Corporation must ensure that recipients provide legal assistance in the most economical and effective manner. 42 U.S.C. 2996f(a)(3). Hence, a principal national goal of the Corporation, based in the LSC Act, is to provide economical and effective legal assistance in a manner that improves opportunities for low income persons.

The drug problem has had a devastating effect on the poor in our country, especially those living in public housing. This situation is of grave concern to the Board, and has been an on-going concern in Congress. For example, section 508(18) of H.R. 2076, an appropriations measure currently before Congress, would prohibit recipients from providing representation in certain drug-related eviction proceedings. See H.R. 2076, 104th Cong., 1st Sess, section 504(18).

Since tenants of public housing projects who engage in illegal drug activity may be viewed as a destructive force within public housing communities acting to the detriment of low income persons, it is the Corporation's considered view that representation of those who engage in such activity undermines the purposes of the LSC Act. Based on the above, the Board directed staff to prepare a proposed regulation addressing these concerns. Such regulation will implement the Corporation's goal of providing economical and effective legal assistance in a manner that improves opportunities for low income persons and will provide specific guidance to recipients to revise their priorities and procedures in the area of representation in drug-related eviction proceedings.

A section-by-section discussion of the proposed rule is provided below.

Section 1633.1 Purpose

This section sets out the purpose of the proposed rule: to implement the goal of the Corporation to provide economical and effective legal assistance in a manner that improves opportunities for low income persons and to provide specific guidance in the case of drug-related eviction proceedings by prohibiting any recipient from providing representation in certain proceedings to evict from public housing projects persons convicted of or being prosecuted for certain drug-related activity.

Section 1633.2 Definitions

This section defines ''controlled substance,'' ''public housing project,'' and ''public housing agency'' in the manner those terms are defined by federal statute. The term ''being prosecuted'' is defined to make clear that the prohibition attaches only when a prosecution has been instituted and is being pursued by a governmental authority, for example, by indictment or information. It is not sufficient for an affidavit to have been sworn by a private citizen or for an arrest to have occurred if no prosecution has followed.

Section 1633.3 Prohibition

This section sets out the prohibition on the use of Corporation funds. It is intended to preclude the provision of representation in a proceeding to evict from a public housing project a person who has been recently convicted of or is being prosecuted for illegal drug activity. Such activity must be evidenced by a conviction or current prosecution for the sale, distribution, use or manufacture of a controlled substance. Under the prohibition if representation was commenced prior to prosecution, the recipient should seek to end the representation if a prosecution is thereafter commenced. The Corporation has concluded that a formal charge of illegal drug activity against a client will suffice to prohibit representation even though a conviction has not as yet resulted. The Corporation, however, believes that the prohibition should apply only when the charge of illegal drug activity has resulted in formal prosecution proceedings.

In addition, the prohibition applies only if the allegation which forms the