into plants to aid in the selection of plants or plant cells that contain the desired genetic material for the plant-pesticide. They do not have pesticidal properties themselves and are not necessary to the function of the plant-pesticide in the plant. Generally they are of no use in modifying or enhancing the pesticidal activity of the plant-pesticide and may even be lost later in the product development stage with no effect upon pesticidal activity. Substances used to confirm or ensure the presence of a plant-pesticide are frequently used only on a one-time basis very early in the development of a new plant variety, for example during the introduction of genetic material in the initial genetic transformation of plant cells or tissue. Although a substance such as a selectable marker is introduced at the same time as the active ingredient, that concomitant event does not necessarily convert selectable markers into pesticide ingredients.

The comments received in response to the 1994 proposal also helped to focus EPA's concern about the classification of selectable markers as inert ingredients. The comments addressing treatment of selectable markers as inert ingredients raised a range of issues. These issues included minimizing the potential for duplication of reviews with FDA; inappropriateness of the Agency's inert policy for chemical pesticides for substances such as selectable markers; and reservation about whether risks associated with selectable markers would be adequately addressed should they be considered inert ingredients. EPA will respond to these comments together with comments received in response to this Notice in the preamble of the final rule.

Should EPA decide that substances such as selectable markers are not inert ingredients or pesticide components, FDA rather than EPA would have direct jurisdiction over the presence of those substances in food products. This would result in a more consistent approach to the regulatory oversight of substances used to confirm or ensure the presence of a plant-pesticide, e.g., selectable markers.

Should EPA decide that substances, and related genetic material, used to confirm and ensure the presence of the plant-pesticide should not be classified as part of a pesticide, the regulatory text in the final rules under FIFRA and FFDCA would be modified to reflect this decision, including defining the plant-pesticide product as the plant-pesticide active ingredient.

III. Public Docket

A record has been established for this document under docket number ''OPP–300370A'' (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 Rm. 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 document, 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.

List of Subjects

Environmental protection, Biotechnology, Plant-pesticides, Plants.

Dated: July 15, 1996.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 96–18394 Filed 7–19–96; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5540–8]

Proposed Settlement Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act; in the Matter of Union Steel Products, Inc. Site

AGENCY: Environmental Protection Agency.

ACTION: Request for public comment.

SUMMARY: Notice of Settlement: in accordance with Section 122(I)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (''CERCLA''), notice is hereby given of a settlement concerning past response costs at the Union Steel Products, Inc. Site in Albion, Michigan. This proposed agreement has been forwarded to the Attorney General for the required prior written approval for this Settlement, as set forth under Section 122(g)(4) of CERCLA.

DATES: Comments must be provided on or before August 21, 1996.

ADDRESSES: Comments should be addressed to the Docket Clerk, Mail Code MFA–10J, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and should refer to: In the Matter of Union Steel Products, Inc. Site, Docket No.

FOR FURTHER INFORMATION CONTACT: Kurt N. Lindland, Mail Code CS–29A, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: The following parties executed binding certifications of their consent to participate in the settlement: Union Steel Products, Inc. and John Kamakian.

These parties will pay $250,000 in settlement payments for response costs related to the Union Steel Products, Inc. Site, if the United States Environmental Protection Agency determines that it will not withdraw or withhold its consent to the proposed settlement after consideration of comments submitted pursuant to this notice.

U.S. EPA may enter into this settlement under the authority of Section 122(h) of CERCLA. Section 122(h)(1) authorizes EPA to settle any claims under Section 107 of CERCLA where such claim has not been referred to the Department of Justice. Pursuant to this authority, the agreement proposes to settle with parties who are potentially responsible for costs incurred by EPA at the Union Steel Products, Inc. Site.

A copy of the proposed administrative order on consent and additional background information relating to the settlement, including a list of parties to the settlement, are available for review and may be obtained in person or by mail from Kurt N. Lindland, Mail Code CS–29A, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

The U.S. Environmental Protection Agency will receive written comments relating to this settlement for thirty days from the date of publication of this notice.

Authority: The Comprehensive Environmental Response, Compensation, and

Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

Wendy Carney,

Acting Director, Superfund Division

[FR Doc. 96–18514 Filed 7–19–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5539–4]

Notice of Proposed NPDES General Permits for Discharges Resulting From Implementing Corrective Action Plans for Cleanup of Petroleum UST Systems in Texas (TXG830000), Louisiana (LAG830000), Oklahoma (OKG830000) and New Mexico (NMG830000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft NPDES general permits.

SUMMARY: EPA Region 6 is proposing to issue general NPDES permits authorizing discharges resulting from implementing Corrective Action Plans for the cleanup of Petroleum UST Systems in Texas, Louisiana, Oklahoma and New Mexico. A Petroleum UST System is an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils. As proposed, the permits place limits on benzene, Total BTEX and pH for all discharges, as well as limits on polynuclear aromatic hydrocarbons (PAH) for discharges from cleanups of Petroleum UST Systems other than gasoline, jet fuel and kerosene. Additional limits include those on lead and Total Petroleum Hydrocarbons in the Texas permit, lead and TOC in the Louisiana permit, Total Organic Carbon and Total Phenols in the Oklahoma permit, and lead, Chemical Oxygen Demand, No Visible Oil Sheen, as well as a biomonitoring requirement, in the New Mexico permit.

DATES: Comments on these proposed permits must be submitted by September 20, 1996.

ADDRESSES: Comments on these proposed permits should be sent to the Regional Administrator, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Caldwell, EPA Region 6 1445 Ross Avenue, Dallas Texas 75202–2733, telephone (214) 665–7513.

Copies of the draft permits and/or an explanatory fact sheet may be obtained from Ms. Caldwell. In addition, the current administrative record on the proposal is available for examination at the Region's Dallas offices during normal working hours after providing Ms. Caldwell 24 hours advanced notice.

SUPPLEMENTARY INFORMATION: Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Operators of facilities discharging waste waters resulting from the cleanup of underground storage tank systems that contain petroleum substances, such as motor fuels, jet fuels and fuel oils.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your (facility, company, business, organization, etc.) is regulated by this action, you should carefully examine the applicability criteria in Part I, Section A.1 of these permits. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Section 301(a) of the Clean Water Act (CWA or the Act), 33 U.S.C. 1311(a), makes it unlawful to discharge pollutants to waters of the United States in the absence of authorizing permits. CWA section 402, 33 U.S.C. 1342, authorizes EPA to issue National Discharge Elimination System (NPDES) permits allowing discharges on condition they will meet certain requirements, including CWA sections 301, 304, and 401 (33 U.S.C. 1331, 1314 and 1341). Those statutory provisions require that NPDES permits include effluent limitations requiring that authorized discharges: (1) meet standards reflecting levels of technological capability, (2) comply with EPA-approved state water quality standards and (3) comply with other state requirements adopted under authority retained by states under CWA 510, 33 U.S.C. 1370.

Two types of technology-based effluent limitations must be included in the permits proposed here. With regard to conventional pollutants, i.e., pH, BOD, oil and grease, TSS and fecal coliform, CWA section 301 (b)(1)(E) requires effluent limitations based on ''best conventional pollution control technology'' (BCT). With regard to nonconventional and toxic pollutants, CWA section 301(b)(2) (A), (C), and (D) require effluent limitations based on ''best available pollution control technology economically achievable'' (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges prior to March 31, 1989 under CWA 301(b)(1)(A).

National guidelines establishing BPT, BCT and BAT standards have not been promulgated for discharges from Petroleum UST System cleanups. The BCT and BAT requirements for these discharges have, therefore, been established using best professional judgement, as required by CWA section 402(a)(1). EPA Office of Water Enforcement and Permits and Office of Underground Storage Tanks has developed and issued ''Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks'', July 11, 1989. That model permit and fact sheet established treatment technologies, treatment costs, parameters to be limited and permit limits for discharges resulting from the cleanup of gasoline released from underground storage tanks. The information contained in that model permit and fact sheet has been used to establish BCT and BAT permit requirements for the NPDES general permits being proposed today for discharges resulting from cleanup of Petroleum UST Systems.

The following limits are proposed:

	Daily average	Daily maximum
Texas (TXG830000)		
Benzene	5 µg/l (1)	5µg/l (1).
Total BTEX	100 µg/l	100 µg/l.
Total petroleum hydrocarbons	15 mg/l	15 mg/l.
Total lead	250 µg/l	250 µg/l.