

and its ancillary equipment that commenced construction or reconstruction on or after December 9, 1991 and before September 22, 1993 shall comply with §§ 63.322 (c), (d), (i), (j), (k), (l), and (m), 63.323(d), and 63.324 (a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) beginning on December 20, 1993 and shall comply with other provisions of this subpart by September 23, 1996.

(d) Each existing dry-to-dry machine and its ancillary equipment located in a dry cleaning facility that includes only dry-to-dry machines, and each existing transfer machine system and its ancillary equipment and each new transfer machine system and its ancillary equipment installed between December 9, 1991 and September 22, 1993 as well as each existing dry-to-dry machine and its ancillary equipment, located in a dry cleaning facility that includes both transfer machine system(s) and dry-to-dry machine(s) is exempt from § 63.322, § 63.323, and § 63.324, except paragraphs 63.322 (c), (d), (i), (j), (k), (l), and (m), 63.323(d), and 63.324 (a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) if the total perchloroethylene consumption of the dry cleaning facility is less than 530 liters (140 gallons) per year. Consumption is determined according to § 63.323(d).

(e) Each existing transfer machine system and its ancillary equipment, and each new transfer machine system and its ancillary equipment installed between December 9, 1991 and September 22, 1993 located in a dry cleaning facility that includes only transfer machine system(s) is exempt from § 63.322, § 63.323, and § 63.324, except paragraphs 63.322 (c), (d), (i), (j), (k), (l), and (m), 63.323(d), and 63.324 (a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) if the perchloroethylene consumption of the dry cleaning facility is less than 760 liters (200 gallons) per year. Consumption is determined according to § 63.323(d).

(f) If the total yearly perchloroethylene consumption of a dry cleaning facility determined according to § 63.323(d) is initially less than the amounts specified in paragraph (d) or (e) of this section, but later exceeds those amounts, the existing dry cleaning system(s) and new transfer machine system(s) and its (their) ancillary equipment installed between December 9, 1991 and September 22, 1993 in the dry cleaning facility must comply with § 63.322, § 63.323, and § 63.324 by 180 calendar days from the date that the facility determines it has exceeded the

amounts specified, or by September 23, 1996, whichever is later.

\* \* \* \* \*

3. Section 63.322 is amended by revising paragraphs (a) introductory text and (b) introductory text to read as follows:

**§ 63.322 Standards.**

(a) The owner or operator of each existing dry cleaning system and of each new transfer machine system and its ancillary equipment installed between December 9, 1991 and September 22, 1993 shall comply with either (a)(1) or (a)(2) of this paragraph and shall comply with (a)(3) of this paragraph if applicable.

\* \* \* \* \*

(b) The owner or operator of each new dry-to-dry machine and its ancillary equipment and of each new transfer machine system and its ancillary equipment installed after September 22, 1993:

\* \* \* \* \*

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**40 CFR Part 170**

[OPP-250101B; FRL-5366-2]

**Exceptions to Worker Protection Standard Early Entry Restrictions; Limited Contact Activities; Correction**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Correction.

**SUMMARY:** EPA issued a document in the Federal Register that proposed a rule change allowing early entry into pesticide-treated areas. In that proposal, EPA indicated that methyl parathion requires both oral and written notification ("double notification") of agricultural workers when it is applied. Methyl parathion was mentioned incorrectly, as the Agency had previously determined that its acute dermal toxicity is Toxicity Category II, which does not require double notification. Moreover, a study of methyl parathion's potential for acute dermal irritation demonstrated that it is Toxicity Category IV and that it is not a skin sensitizer.

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**SUPPLEMENTARY INFORMATION:** In the Federal Register of January 11, 1995 (60 FR 2842) (FRL-4930-4), EPA issued a proposed rule to change allowing early entry into pesticide-treated areas under certain conditions (the proposal was subsequently finalized on May 3, 1995 (60 FR 21955) (FRL-4950-4). In the January 11th proposal, EPA described some pesticides whose labeling requires "double notification" when those pesticides are applied. The "double notification" requirement is set by the Worker Protection Standard (40 CFR part 170). EPA is hereby stating that its previous indication that methyl parathion requires "double notification" was incorrect. Methyl parathion does not require "double notification."

**Lists of Subjects**

Environmental protection, Administrative practice and procedure, Labeling, Occupational safety and health, Pesticides and pests.

Dated: April 26, 1996.

Daniel M. Barolo,

*Director, Office of Pesticide Programs.*

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**40 CFR Part 300**

[FRL-5465-5]

**National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete Whiteford Sales & Service Superfund Site South Bend, Indiana.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 5 announces its intent to delete the Whiteford Sales & Service, Inc. (WSS) site from the National Priorities List (NPL) and requests public comment on this proposed action. As specified in Appendix B of CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), it has been determined that all appropriate Fund-financed responses at the site under CERCLA have been implemented. EPA, in consultation with the State of Indiana, has determined that the WSS site poses no significant threat to public