or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It is estimated that the upper bound for the economic impact of these revisions to the OCS rules is between $520,000 and $1,120,000 per year. However, pursuant to the terms of Executive Order 12866, OMB has determined that the revisions to the OCS rules are ''significant'' because the OCS sources would be regulated by two Federal agencies, EPA and DOI. As such, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations are documented in the public record.

B. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Act of 1995 requires that EPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditures by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any 1 year. Section 203 requires EPA to establish a plan for obtaining input from, informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, EPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The EPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule, unless EPA explains why a particular alternative is not selected or the selection of a particular alternative is inconsistent with law.

Because this interim final rule does not impose any new mandates on State, local, or tribal governments, and the rule is estimated to result in the expenditures by State, local, and tribal governments or the private sector of less than $100 million in any 1 year, EPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, EPA is not required to develop a plan with regard to small governments. However, EPA will work with State and local air pollution control agencies that have received delegation of authority to implement and enforce the OCS regulations.

C. Paperwork Reduction Act

These rule revisions do not contain any information collection requirements subject to review by the OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 requires Federal agencies to identify potentially adverse impacts of Federal rules upon small entities. Small entities include small businesses, organizations, and governmental jurisdictions. In instances where significant economic impacts are possible on a substantial number of these entities, agencies are required to perform a regulatory flexibility analysis. Furthermore, *EPA Guidelines for Implementing the Regulatory Flexibility Act*, issued on April 9, 1992, require the Agency to determine whether regulations will have any economic impacts on small entities. As explained in the September 4, 1992 final rule (57 FR 40792), the OCS regulations do not apply to any small entities. Therefore, these revisions to the OCS regulations neither impose any requirements on small entities, nor require or exclude small entities from meeting the requirements of the OCS regulations. As a result, EPA has determined that these revisions will not have a significant impact on a substantial number of small entities.

Therefore, as required under section 605 of the RFA, 5 U.S.C. 605, I certify that these revisions do not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedures, Air pollution control, Continental shelf, Intergovernmental relations, Nitrogen oxides, Ozone, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 13, 1996.

Carol M. Browner.

Administrator.

For reasons set out in the preamble, 40 CFR part 55 is revised and amended as set forth below.

PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS

1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101–549.4

2. Section 55.5 is amended by revising paragraph (d) to read as follows:

§ 55.5 Corresponding onshore area designation.

* * * * *

(d) *Offset requirements.* Offsets shall be obtained based on the applicable requirements of the COA, as set forth in §§ 55.13 and 55.14 of this part.

* * * * *

[FR Doc. 96–12626 Filed 5–17–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 167

[OECA; FRL–5507–1]

Pesticide Reports for Pesticide-Producing Establishments (EPA Form 3540–16); 1995 Annual Solicitation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Time extension for submission of reports.

SUMMARY: The EPA announced in the Federal Register (61 Vol. 8221, March 4, 1996), that because of delays in completing and distributing reporting packages, that it would extend the due date for submission of annual pesticide production reports (EPA Form 3540–16) for calendar year 1995 until May 1, 1996. In another Federal Register document (61 Vol. 14497, April 2, 1996), EPA corrected the original document of March 4, 1996, by stating ''Annual pesticide production reports for calendar year 1995 will not be due until two (2) months after the reporting packages are mailed out.''

This notice announces that the 1995 Pesticide Reports for Pesticide-Producing Establishments forms (EPA Form 3540–16) will be mailed out by May 24, 1996, and are due to be submitted back to the Agency by July 24, 1996. If you have not received your reporting packages within two weeks from the date of this document, please contact your local EPA Regional office.

DATES: Annual pesticide production reports for calendar year 1995 will be due July 24, 1996.

FOR FURTHER INFORMATION CONTACT: Carol L. Buckingham, (202) 564–5008, fax (202) 564–0085, Environmental Protection Agency, Mail Code 2225A, 401 M Street, SW., Washington, D.C. 20460.

Dated: May 13, 1996.

Steven A. Herman,

Assistant Administrator, Office of Enforcement and Compliance Assurance.

[FR Doc. 96–12484 Filed 5–17–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[PP 6E4647/R2220; FRL–5357–8]

RIN 2070–AB78

Propylene Oxide; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a time-limited tolerance for residues of the fumigant propylene oxide in or on the raw agricultural commodities almonds, Brazil nuts, filberts, pecans, pistachio nuts, and walnuts. As a practical matter, this regulation reduces the maximum permissible residue level for propylene oxide in or on these nuts from 300 ppm to 150 ppm. The regulation to establish a maximum permissible level for residues of the fumigant was requested in a petition submitted by Aberco, Inc., 9430 Lanham Severn Road, Seabrook, MD 20706.

EFFECTIVE DATE: This regulation becomes effective May 20, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 6E4647/R2220], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted 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 copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov.

Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [PP 6E4647/R2220]. No Confidential Business Information (CBI) should be submitted through e-mail. Information not marked confidential may be disclosed publicly by EPA without prior notice. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Walter C. Francis, Acting Chief, Antimicrobial Program Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 250, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305–3661; e-mail: francis.walter @epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Category	Examples of Regulated Entities
Industry	Nut processors who fumigate with propylene oxide Food processors who use fumigated nuts in food

This table is not exhaustive, but is a guide to the entities EPA believes are regulated by this action.

EPA issued a notice published in the Federal Register of February 1, 1996 (61 FR 3697), which announced that Aberco, Inc., 9430 Lanham-Severn Road, Seabrook, MD 20706 had submitted a pesticide petition (PP 6E4647) to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish a tolerance for residues of the fumigant propylene oxide, in or on the raw agricultural commodity nutmeats (except peanuts) when such foods are to be further processed into a final food form, at 300 parts per million (ppm).

All of the comments received in response to this notice of filing supported the issuance of the proposed tolerance.

On April 3, 1996 Aberco, Inc. amended the petition by requesting that the proposed maximum permissible level for residues of propylene oxide be reduced to 150 ppm. Because this is a reduction of a previously proposed tolerance level, an additional period of public comment is not necessary.

The scientific data evaluated for propylene oxide were obtained from the EPA Integrated Risk Information System (IRIS) (1990) and Meylan et al. (EPA, 1986).

Propylene oxide is classified as a B2 carcinogen with an oral slope factor of 1.53E-1 based on benign and malignant tumors in female rats when exposed by gavage.

Because nuts treated with propylene oxide are not sold directly to consumers but are intended to be added to foods that may be further processed (e.g. candy, cereal, baked goods, ice cream), EPA conducted its risk assessment based on information related to anticipated residues at the point of sale to consumers. Under normal conditions of transport and distribution, the average time between release of the treated nuts into commerce and the shipping, processing, and retailing of the final food form containing the nuts is approximately 18 days. Taking into account the percent of the nut commodities treated: almonds (3 percent); Brazil nuts (8 percent); filberts (1 percent); pecans(3 percent); pistachio nuts (1 percent); and walnuts (7 percent), and using a standard off gassing kinetic equation based on a 150 ppm level at the time of shipment from the fumigation site and a transport time of 18 days, the anticipated residues for propylene oxide at the point of consumer purchase are 3.3 ppm.

Based on IRIS and a 1985 report prepared by the World Health Organization (Environmental Health Criteria 56), the cancer endpoint is the most restrictive and conservative measurement of risk. The cancer unit potency or Q^* of 0.153 mg/kg/day^{-1} is over 1,000 times more restrictive that the estimate of an RfD using the No Observed Effect Level (NOEL) of 9 mg/kg/day obtained from a chronic rat study. The theoretical maximum residue contribution (TMRC) for all proposed tolerances (almonds, Brazil nuts, filberts, pecans, pistachio nuts, and walnuts) is 0.002 mg/kg/day for the overall U.S. population. The anticipated residue contribution (ARC) to the U.S. population is 0.000002 mg/kg/day, resulting in a lifetime cancer risk from treated nuts of 3×10^{-7}. This value assumes anticipated residues of 3.3 ppm at the point of consumer purchase. During the 2 year timeframe covered by this time-limited tolerance, the cancer risk would be 8.6×10^{-9}.

The Agency believes that the current cancer risk assessment demonstrates negligible risk.

The pesticide is useful for the purposes for which the tolerance is sought. The nature of the residue is adequately understood and an analytical method for propylene oxide (gas

chromatography) previously developed for tolerance petitions 5H5087 and 6H5119 is available in JAOAC, Vol 54, p. 560, 1971.

Additional residue data on propylene oxide and propylene chlorohydrin (2-PCH) are required for a permanent tolerance. These data are required to precisely determine the off-gassing kinetics and to allow the Agency to accurately verify the time interval from fumigation to the point of consumer purchase. At the present time, however, the Agency believes there are adequate data to support a time-limited tolerance while these studies are being developed. Additional toxicological data may be required based on a review of the required residue data. Further, EPA has concerns about the adequacy of the current analytical method. Therefore, a revised analytical method must be developed to address the 2-PCH known to form during fumigation of foods with propylene oxide. Revised enforcement or confirmatory methods for propylene chlorohydrin, as well as for propylene oxide *per se* must also be developed. Any additional tolerance proposals for propylene oxide will be considered on a case-by case basis.

There are presently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 will protect the public health. Therefore, the tolerance is established as set forth below. Since the Agency has no evidence that other varieties of nuts are treated with propylene oxide, tolerances are being established only for specific nuts.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under the docket number [PP 6E4647/R2220] (including any comments and data submitted electronically). 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.

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 any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rule-making 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, October 4, 1993), it has been determined that this rule is not ''significant'' and is 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 (Pub. L. 96–354, 94 Stat. 1164, 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 to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 9, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is 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. Section 180.491 is added to read as follows:

§ 180.491 Propylene Oxide; tolerance for residues.

A time-limited tolerance to expire on May 20, 1998 is established for residues of the fumigant propylene oxide, in or on the following raw agricultural commodities.

Commodity	Parts per million
Almonds	150
Brazil Nuts	150
Filberts	150
Pecans	150
Pistachio Nuts	150
Walnuts	150

[FR Doc. 96–12500 Filed 5–17–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 185

[OPP–300335B; FRL–5372–2]

Pesticides; Partial Stay of Effective Date for Order Revoking Certain Food Additive Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial stay of Effective Date.

SUMMARY: EPA is staying the effective date of a final rule revoking the food additive regulations (FARs) for certain uses of propargite, mancozeb, ethylene oxide and propylene oxide. The final