

“economically significant”); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not “significant” and is therefore not subject to OMB review.

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

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

Dated: May 28, 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 180.472(a) is amended by revising the table therein by adding and alphabetically inserting the following commodities to read as follows:

**§ 180.472 1-[(6-Chloro-3-pyridinyl)methyl]-N-2-imidazolidinimine; tolerances for residues.**

(a) \* \* \*

| Commodity                   | Parts per million |
|-----------------------------|-------------------|
| * * *                       | * * *             |
| Leafy greens subgroup       | 3.5               |
| Leafy vegetables crop group | 3.5               |
| * * *                       | * * *             |

\* \* \* \* \*  
[FR Doc. 96-14629 Filed 6-11-96; 8:45 am]  
BILLING CODE 6560-50-F

**40 CFR Part 180**  
**[PP 5F4485/R2232; FRL-5364-3]**  
**RIN 2070-AB78**

**Bifenthrin; Pesticide Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** This rule establishes a tolerance for residues of the pesticide bifenthrin in or on the raw agricultural commodity strawberries. The regulation to establish a maximum permissible level for residues of the pesticide was requested in a petition submitted by FMC Corporation.

**EFFECTIVE DATE:** This regulation becomes effective June 12, 1996.

**ADDRESSES:** Written objections and hearing requests, identified by the document control number [PP 5F4485/R2232], 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 docket 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 Highway, 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 in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [PP 5F4485/R2232]. No Confidential Business Information

(CBI) should be submitted through e-mail. 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: George T. LaRocca, Product Manager (PM) 13, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 204, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-6100; e-mail: larocca.george@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA issued a notice, published in the Federal Register of June 15, 1995 (60 FR 31466), which announced that FMC Corporation, 1735 Market Street, Philadelphia, PA 19103, had submitted a pesticide petition (PP 5F4485) 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 the residues of the pyrethroid bifenthrin (2-methyl(1,1-biphenyl)-3-yl)methyl-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate) in or on the raw agricultural commodity strawberries at 3.0 parts per million (ppm).

No comments were received in response to the notice of filing.

The scientific data submitted in support of this petition and other relevant material have been evaluated. The toxicological and metabolism data considered in support of this tolerance are discussed in detail in a related document published in the Federal Register of June 22, 1994 (59 FR 32167).

A chronic dietary exposure/risk assessment has been performed for bifenthrin using a Reference Dose (RfD) of 0.015 mg/kg of bwt/day. The RfD was based on a No Observed Effect Level (NOEL) of 1.5 mg/kg/day from the 1-year study in dogs and a safety factor of 100. The endpoint effect of concern was intermittent tremors in test animals at the lowest effect level. The chronic exposure analysis was performed using tolerance level residues and 100 percent crop treated information. The current estimated dietary exposure for the

overall U.S. population resulting from established tolerances is 0.002641 mg/kg of bwt/day, which represents 17.6 percent of the RfD, and for non-nursing infants (< 1 yr old) the subgroup population exposed to the highest risk the estimated dietary exposure is 0.008183, which represents 54.6 percent of the RfD. The current action will increase the exposure for the overall U.S. population to 0.002745 mg/kg of bwt/day or 18.3 percent of the RfD and for non-nursing infants (< 1 yr old) to 0.008265 mg/kg of bwt/day or 55.1 percent of the RfD. Generally speaking, the Agency has no concern if for all published and proposed tolerances dietary exposure is less than the RfD.

Because there was a sign of developmental effects seen in animal studies, the Agency used the rat developmental toxicity study with a maternal NOEL of 1 mg/kg/day to assess acute dietary exposure and determine a margin of exposure (MOE) for the overall U.S. population and certain subgroups. Since the toxicological end-point pertains to developmental toxicity, the population group of concern for this analysis is women age 13 and above, the subgroup which most closely approximates women of child-bearing age. The MOE is calculated as the ratio of the NOEL to the exposure. For this analysis the Agency calculated the MOE for women age 13 and above to be 200. Generally speaking, MOE's greater than 100 for data derived from animal studies are regarded as showing no appreciable risk.

The metabolism of the chemical in plants and animals for the use is adequately understood. Secondary residues occurring in livestock and their by-products are not expected since there are no known animal feed stock uses for strawberries. Adequate analytical methodology (Gas liquid chromatography with an electron capture detector) is available for enforcement purposes. The enforcement methodology has been submitted to the Food and Drug Administration for publication in the *Pesticide Analytical Manual, Vol. II* (PAM II). Because of the long lead time for publication of the method in PAM II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from Calvin Furlow, Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson-Davis Hwy., Arlington, VA 22202, (703) 305-5232.

The tolerances established by amending 40 CFR part 180 will be adequate to cover residues in or on strawberries. The pesticide is considered useful for the purposes which it is sought and capable of achieving the intended physical or technical effect. 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 tolerance established by amending 40 CFR part 180 would protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections and/or request a hearing 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 docket number [PP 5F4485/R2232] (including comments and data submitted electronically). A public version of this record, including printed, paper version 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, Crystall 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 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.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review. In addition, 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 1993), entitled Enhancing the Intergovernmental Partnership, or special considerations 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

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

Dated: May 28, 1996.

Stephen L. Johnson,  
Director, Registration Division, Office of  
Pesticide Programs.

Therefore, 40 CFR part 180 is amended to read as follows:

#### PART 180—[AMENDED]

1. The authority citation of part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.442 is amended by redesignating and revising the current introductory text and commodity table as paragraph (a) and adding a new paragraph (b) to read as follows:

#### § 180.442 Bifenthrin; tolerances for residues.

(a) Tolerances, to expire November 15, 1997, are established for residues of the pyrethroid bifenthrin, (2-methyl(1,1-biphenyl)-3-yl)methyl-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate, in or on the following commodities:

\* \* \* \* \*

(b) Tolerances, are established for residue of the pyrethroid bifenthrin, (2-methyl(1,1-biphenyl)-3-yl)methyl-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate, in or on the following commodity:

| Commodity          | Parts per million |
|--------------------|-------------------|
| Strawberries ..... | 3.00              |

[FR Doc. 96-14630 Filed 6-11-96; 8:45 am]

BILLING CODE 6560-50-F

#### 40 CFR Part 300

[FRL-5518-6]

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

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Notice of Deletion of New Castle Spill Site from the National Priorities List (NPL).

**SUMMARY:** EPA, Region 3, announces the deletion of the New Castle Spill Site, New Castle, Delaware, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA promulgated the NCP pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Delaware Department of Natural Resources and Environmental Control (DNREC) have determined that all appropriate CERCLA actions have been implemented, that the Site poses no significant threat to public health or the environment, and that no further cleanup by responsible parties is necessary.

**EFFECTIVE DATE:** June 12, 1996.

**ADDRESSES:** Comprehensive information on this Site is available through the public docket which is available for viewing at the Site information repositories at the following locations: Hazardous Waste Technical Information Center, 9th Floor, U.S. EPA, Region 3, 841 Chestnut Building, Philadelphia, PA, (215) 597-6633.

Delaware Department of Natural Resources and Environmental Control, 715 Grantham Lane, New Castle, DE, (302) 323-4540.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Dehnhard (3HW23), U.S. EPA Region 3, 841 Chestnut Building, Philadelphia, PA 19107, (215) 597-3167.

**SUPPLEMENTARY INFORMATION:** EPA announces the deletion of the New Castle Spill Site located in New Castle, Delaware, from the National Priorities List (NPL). The NPL is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to CERCLA, 42 U.S.C. section 9605 (40 CFR 300.425(e)(3) of the NCP), any site deleted from the NPL remains eligible for Fund-financed remedial actions in the event that conditions at the site warrant such action in the future. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to

recover costs associated with response efforts.

A Notice of Intent to Delete the New Castle Spill Site from the NPL was published on March 21, 1996 in the Federal Register (56 FR 11597). The closing date for comments on the Notice of Intent to Delete was April 22, 1996. EPA received comments on the proposed deletion. The responsiveness summary is attached.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 191 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

#### Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site "New Castle Spill, New Castle County, Delaware".

Dated: May 16, 1996.

W. T. Wisniewski,

Acting Regional Administrator, U.S. EPA  
Region 3.

[FR Doc. 96-14770 Filed 6-11-96; 8:45 am]

BILLING CODE 6560-50-P

#### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

#### 43 CFR Part 8000

[WO-340-1220-00-24 1A]

RIN 1004-AC51

#### Recreation Programs

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final Rule; removal.

**SUMMARY:** This final rule removes 43 CFR Part 8000—Recreation Programs regarding recreation programs on public lands, in its entirety. 43 CFR Part 8000—Recreation Programs contains no substantive material that is not repeated in subsequent sections of 43 CFR. The Bureau of Land Management (BLM) will