operational change to an existing facility which may increase the regulated pollutant emission rate; notification of demonstration of the continuous monitoring system (CMS); notification of the date of the initial performance test; and the results of the initial performance test.

Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are required, in general, of all sources subject to NSPS.

The standards require reporting of the results of the initial performance test to determine compliance with the applicable SO_2 and/or PM standards. For units using a continuous emission monitoring system (CEMS) to determine compliance with the SO_2 standard, the regulation requires submittal of the results of the CEMS demonstration.

After the initial report, the standard for SO_2 requires each affected facility to submit quarterly compliance reports. After the initial report, the standard for PM requires quarterly reports to be submitted to notify of any emissions exceeding the applicable opacity limit. If there are no excess emissions, a semiannual report stating that no exceedences occurred may be submitted.

The recordkeeping requirements for small industrial-commercial-institutional steam generating units consist of the occurrence and duration of any startup and malfunctions as described. They include the initial performance test results including information necessary to determine the conditions of the performance test, and performance test measurements and results, including the applicable sulfur dioxide and/or particulate matter results. Records of startups, shutdowns, and malfunctions should be noted as they occur. Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements.

The reporting requirements for this type of facility currently include the initial notifications listed, the initial performance test results, and quarterly report of SO_2 emissions, and instances of excess opacity. Semiannual opacity reports are required when there is no excess opacity. Semiannual excess emission reports and monitoring system performance reports shall include the magnitude of excess emissions, the date and time of the exceedence or deviance, the nature and cause of the malfunction (if known) and corrective measures taken, and identification of the time period during which the CMS was inoperative (this does not include zero and span checks nor typical repairs/adjustments).

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement

Most of the industry costs associated with the information collection activity in the standards are labor costs. The current average annual burden to industry from these record keeping and reporting requirements is estimated at 229,674 person-hours. The respondent costs have been calculated based on $14.50 per hour plus 110 percent overhead. The current average annual burden to industry is estimated to be $6,993,568.

Based upon available information, it has been estimated that approximately 212 sources are currently subject to the standard, and it is estimated that an additional 71 sources per year will become subject to the standard.

No person is required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are displayed in 40 CFR Part 9.

Send comments regarding these matters, or any other aspect of the information collection, including suggestions for reducing the burden, to the address listed above.

Dated: August 1, 1996.

Elaine Stanley,

Director, Office of Compliance.

[FR Doc. 96–20700 Filed 8–13–96; 8:45 am]

BILLING CODE 6560–50–P

[OPP–30000/18F; FRL–5386–5]

Ethylene Bisdithiocarbamates (EBDCs); Announcement of Modifications to Existing EBDC Cancellation Orders and Issuance of New Cancellation Orders for Four Crops

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of Two Modifications to EBDC Cancellation Orders and Issuance of New Cancellation Orders.

SUMMARY: The EBDC Notice of Intent to Cancel (NOIC) (PD 4) was published in the Federal Register of March 2, 1992 (57 FR 7484) and announced the Agency's intent to cancel certain EBDC product registrations. This document announces three actions which have occurred since the publication of the NOIC. The three actions are: (1) May 28, 1992 modification of the pre-harvest interval on potatoes, (2) August 3, 1994 modification allowing the use of more than one EBDC per crop per season, and (3) February 1, 1996 issuance of the Cancellation Order for four leafy green crops - collards, mustard greens, turnips, and spinach -except for limited use in Georgia and Tennessee.

FOR FURTHER INFORMATION CONTACT: Amy Porter, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460. Telephone: (703) 308–8054, e-mail: porter.amy@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This document announces two previous modifications to the EBDC Cancellation Order and the issuance of an additional Cancellation Order cited in the summary above. This document is organized into four units. Unit I is the Regulatory Background. Unit II is the announcement of a previous modification to the Cancellation Order related to the use of EBDCs on Potatoes. Unit III is the announcement of a previous modification to the Cancellation Order related to the use of more than one EBDC on one crop during one season. Unit IV announces the issuance of a Cancellation Order for Collards, Mustard Greens, Turnips, and Spinach.

I. Regulatory Background

The EBDCs are a group of pesticides consisting of four registered active ingredients: mancozeb, maneb, metiram, and nabam. They are used primarily as protectants against fungal pathogens on apples, cucurbits (i.e., cucumbers,

melons, pumpkins and squash), lettuce, onions, potatoes, small grains, sweet corn, and fungal and bacterial pathogens on tomatoes. Nabam is currently registered as an industrial biocide; all registrations of nabam for agricultural uses have been voluntarily canceled (54 FR 50020) and currently there are no established tolerances.

The regulatory history of the EBDCs is described in detail in the March 2, 1992 Notice of Intent to Cancel and Conclusion of Special Review (57 FR 7484), the PD 4. In brief, EPA has twice initiated a Special Review of the EBDCs. In 1977, EPA initiated a Rebuttable Presumption Against Registration, or RPAR, (later referred to as a Special Review) based on the presumption that the EBDCs and ETU, a common contaminant, metabolite, and degradation product of EBDCs, posed the following potential risks to humans and/or the environment: carcinogenicity, developmental toxicity, and acute toxicity to aquatic organisms. In 1982, EPA concluded this RPAR by issuing a PD 4, which announced measures designed to preclude unreasonable adverse effects pending development of additional data needed to arrive at a more realistic assessment of the risks. At that time, EPA deferred a decision on carcinogenic effects because of the lack of sufficient information to estimate risk.

On July 17, 1987, EPA initiated a second Special Review by issuing a Notice of Initiation of Special Review of the EBDC pesticides because of carcinogenic, developmental, and thyroid effects caused by ETU (52 FR 21772).

On September 6, 1989, the four technical registrants of mancozeb, maneb, and metiram (Elf Atochem, BASF, DuPont, and Rohm and Haas) requested that EPA amend their registrations to delete 42 of the 55 registered food uses and to restrict formulation of their technical products only into products labeled for the 13 retained uses. These amendments were accepted on December 4, 1989 (54 FR 50020) and made effective December 14, 1989. The thirteen remaining uses on affected EBDC labels were: almonds, asparagus, bananas, caprifigs, cranberries, grapes, onions, peanuts, potatoes, sugar beets, sweet corn, tomatoes, and wheat.

EPA issued a Notice of Preliminary Determination (also known as a PD 2/3) on December 20, 1989 (54 FR 52158) announcing its proposed decision to cancel all but 10 uses on the basis of unreasonable risk and a lack of support by the registrants. Forty-two of these were deleted by the registrants and three additional uses were proposed for cancellation by the Agency.

On May 16, 1990 (55 FR 20416) EPA issued a proposal to revoke and reduce tolerances for the 42 deleted uses plus the three additional uses proposed for cancellation.

On March 2, 1992 (57 FR 7484) EPA published in the Federal Register a Notice of Intent to Cancel and Conclusion of Special Review (PD 4). Based on information and comments received in response to the PD 2/3 and data submitted by registrants in response to a March 10, 1989 Data Call-In, EPA revised its risk and benefits assessments. EPA determined that 45 of the 56 uses posed acceptable risks and 11 of the 56 crops posed unreasonable risks. (The 56 uses referred to in the PD 4 were inadvertently referred to as 55 in the PD 2/3.) All maneb, mancozeb, and metiram registrations for products with these 11 uses would be canceled unless these uses were deleted from all EBDC labels. The 11 food uses were: apricots, carrots, celery, nectarines, peaches, rhubarb, succulent beans, collards, mustard greens, spinach, and turnips. Since publication of the NOIC, all product registrations with one or more of the following eight food uses have been canceled or amended to delete the affected uses: apricots, carrots, celery, nectarines, peaches, rhubarb, succulent beans, and spinach. (Collards, mustard greens, and turnips were not canceled, but use has been modified as per a settlement agreement. See Unit IV of this notice for discussion.)

Further, EPA determined that the remaining 45 food uses did not pose an unreasonable risk provided certain use restrictions specified in the PD 4 were incorporated into all EBDC product registrations and labeling. The 45 uses subject to the specified modifications to terms and conditions of registrations were: almonds, apples, asparagus, bananas, barley, broccoli, Brussels sprouts, cabbage, cauliflower, corn (field, sweet and pop), cotton, cranberries, crabapples/quince, cucumbers, dry beans, eggplant, endive, fennel, grapes, kadota figs, kale, kohlrabi, lettuce (head and leaf), melons: cantaloupe, casaba, crenshaw, honeydew, watermelon, oats, onions (dry bulb and green), papayas, peanuts, pears, pecans, peppers, potatoes, pumpkins, rye, squash, sugar beets, tomatoes, and wheat.

II. Modified Cancellation Order Regarding the Use of EBDCs on Potatoes

A. Background

The 1992 NOIC included certain requirements which product registrations for potato use had to satisfy to avoid cancellation. For a product to remain registered for potato use, the registrations had to be amended to include directions for use including maximum application rates, maximum number of applications per season, application interval, and pre-harvest interval (PHI). The Agency allowed a minimum 3–day PHI in Connecticut, Florida, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Vermont, and Wisconsin due to disease pressures caused by late blight. A 14–day PHI was required in all other states.

At the time the NOIC was issued, the Agency had no information suggesting that Delaware, Michigan and Ohio had a late blight problem and included those states among the states subject to a minimum 14–day PHI. Subsequent to the NOIC being issued, a group of registrants and growers submitted to the Agency information on late blight supporting a minimum 3–day PHI for Delaware, Michigan and Ohio. This group (petitioners) requested a hearing to add these three states to the list of states for which a 3–day PHI was permitted.

Additionally, at the time the Agency issued the NOIC, it understood that the ''New England'' states as well as some other states had a late blight problem and allowed a minimum three day PHI for those states. Rhode Island was erroneously omitted from the list of states.

B. Potato--Pre-harvest Interval

1. *Risks.* Based on data received after the publication of the PD 4 and the PD 4 risk estimates, the Agency determined that the changes proposed would not result in any significant changes in risk caused by EBDC/ETU.

2. *Benefits.* The Agency understood that quality and yield impacts were likely to occur in potato growing states where late blight was present. Prior to the publication of the PD 4, the Agency was not aware of the existence of late blight on potatoes in Delaware, Michigan, or Ohio. When the Agency became aware of the late blight problems in these states, the Agency determined that quality and yield impacts would likely occur.

3. *Risk/benefit conclusion.* The Agency determined that in the states with substantial late blight occurrence, the benefits outweigh the risk associated with a 3–day PHI.

4. *Provisions of use.* On May 28, 1992, a settlement agreement was reached allowing a 3–day PHI in Delaware, Michigan and Ohio on the basis of late blight problems in those states. The Agreement also included the addition of

Rhode Island to the list of other New England states for which a 3–day PHI was allowed. (Ref. 1)

III. Modified Cancellation Order Regarding the Use of More Than One EBDC on One Crop During One Season

A. Background

The March 2, 1992 NOIC contained a requirement that, to avoid cancellation, all EBDC labels and product registrations bearing agricultural uses must be amended to include the following label statement: ''If this product is used on a crop, no other product containing a different EBDC active ingredient may be used on the same crop during the same growing season.'' This requirement prohibited the use of more than one EBDC active ingredient per crop per season. Although the reason for this requirement was not stated in the NOIC, the Agency's decision to limit EBDC application as such was to avoid the potential overuse of EBDC's through active ingredient switching. The decision was not based on specific risk concerns or on the risk calculations underlying the Agency's EBDC regulatory decision.

Subsequent to the NOIC becoming an effective order of cancellation, the Agency received a request for a hearing from Elf Atochem and Griffin Corporations (petitioners) with supporting letters from the Florida Fruit and Vegetable Association and the National Potato Council to replace the label requirement which allowed the use of only one EBDC per crop per season and prohibited certain seed treatment applications.

A hearing was granted under subpart D of 40 CFR part 164, 40 CFR 164.130 - 164.133. 40 CFR part 164, subpart D allows the Administrator to consider modifying a prior cancellation decision if the petitioner presents substantial new evidence which may materially affect the prior cancellation order and which was not available to the Administrator at the time the final cancellation determination was made, and this evidence could not, even with due diligence, have been discovered by the petitioner prior to the issuance of the final order.

The petitioner's hearing request was found to meet these criteria and a hearing was held on June 20, 1994. At this hearing, the petitioners successfully demonstrated that since the issuance of the NOIC, there had been considerable confusion in the marketplace and an unexpected impact on the benefits of use. (See detailed discussion of benefits below.) In light of the petitioners' evidence and reasoning, the Administrator modified the Cancellation Order on July 8, 1994 to reflect the proposed language. (Refs. 2 and 3)

Estimated risks/label change. The petitioners did not submit any new information which would affect the validity of the Agency's analysis of the toxicity of EBDCs or the methodology used to estimate exposure to EBDCs. The petitioners asserted that the proposed language did not increase the individual or seasonal application limits and provided equivalent protection in terms of limiting exposure while addressing the Agency's concerns about multiple EBDC use as well as having the added advantage of being more easily understood. The petitioners further asserted that the decision to restrict EBDC use as per the restrictive language of the NOIC was not based on specific risk concerns but on concerns of exceeding maximum amount of product allowed per crop per season. The Agency agreed with the petitioner's assertions, and agreed that there are other disincentives to growers that should dissuade them from engaging in that type of practice, such as the risk of having crops with over-tolerance residues. The Agency concluded that the proposed label change would not result in a change in EBDC risk.

Estimated benefits/label restriction. The petitioner's submission included information and evidence on the benefits of using more than one EBDC active ingredient per crop per season which was not available to or considered by the Agency prior to the final Cancellation Order. The petitioners asserted that the current label restriction had a substantial impact on the industry, including negative effects on competition, industry-wide confusion, and hardship for suppliers and growers alike. The Agency agreed with the points included in the submission which are summarized below:

The post PD 4 label specification precluded growers from switching among EBDCs for any reason, even if a particular product was high priced due to limited availability or if a particular product was unavailable.

Many potato growers were required by contract with food processors or packers to make pre-storage applications of Ridomil® (metalaxyl) which contains mancozeb, because consultants and researchers have strongly recommended this as a way to prevent root rot or late blight. This, coupled with the post PD 4 prohibition on switching among EBDC active ingredients, precluded any potato grower under such a contract from using any EBDC but mancozeb on that crop for the remainder of the season—even though it may not have been the most effective treatment for the pest. The Agency agreed with petitioners that there is increased risk of resistance when the range of active ingredients is limited.

Fungal problems associated with potatoes include root rot or late blight which is commonly treated with a metalaxyl product that is considered most effective when it is used in a metalaxyl/EBDC mix. Product mixes (as opposed to tank mixes) are preferred because of their convenience, ease in handling, reduced potential exposure, and reduced costs. Post PD 4 labeling precluded growers from using metalaxyl/EBDC mixes such as Ridomil Mz® (metalaxyl and mancozeb) if they had used maneb earlier in the season. This limited growers to using metalaxyl without an EBDC which may be a less effective treatment and may have limited the potatoes' marketability.

Reliability of supply was of concern for growers. All EBDC active ingredients are manufactured abroad and domestic suppliers have little control over ensuring their steady supply. The failure of a foreign supplier or manufacturer to deliver the active ingredients as scheduled can result in the shortage of a particular formulation. This was creating problems for growers who were bound by post PD 4 label specifications to use a specific active ingredient.

The submission provided evidence of the registrant/marketplace/grower confusion that resulted from the post PD 4 language that was not available at the time of the NOIC. The submission provided examples in which misinterpretations of the language were printed in a grower group newsletter and a journal.

The misinterpretations of the language differed substantially from the EPA's post-cancellation order interpretation which was explained in a 5/26/92 letter from Jack Housenger/EPA to Janet Ollinger (Ref. 4) which clearly limited only switching among active ingredients and did not restrict switching among different brands of the same EBDC active ingredient. Petitioners asserted that this confusion was likely to influence purchasing decisions and create unfair advantages for certain products while undermining integrated pest control practices.

Risk/benefit conclusion. The Agency had attempted to clarify this issue, but even with clarification, unintended impacts continued. The Agency recognized that the label language required by the NOIC created confusion and therefore there were

implementation problems in the marketplace and at the grower level. It is obvious from the information provided at the hearing that the confusion continued even after the Agency attempted to clarify the requirement and its intent. The Agency agreed that the previous label restriction was inconsistent with the nature of Integrated Pest Management (IPM) programs which are based on selective use of different classes of pesticides, and recognized letters of support from the Florida Fruit and Vegetable Association and the National Potato Council for changing the EBDC label language. The Agency agreed that the revised language adequately addressed the objective of the original language, did not increase risk from EBDCs, and reduced impacts to growers.

Provisions of use/label change. The language proposed by the petitioners allowed the use of more than one EBDC active ingredient per crop per season, specified formulas to follow for maximum poundage allowed when different EBDCs are used, and allowed for a single seed treatment per crop per season in addition to the foliar applications where the crop has a registered seed treatment use. The language approved by the Agency to replace the previous statement, if requested, is as follows:

Foliar Applications:

Where EBDC Products Used Allow the Same Maximum Poundage of Active Ingredient Per Acre Per Season:

If more than one product containing an EBDC active ingredient (maneb, mancozeb, or metiram) is used on a crop during the same growing season and the EBDC products used allow the same maximum poundage of active ingredient per acre per season, then the total poundage of all such EBDC products used must not exceed any one of the specified individual EBDC product maximum seasonal poundage of active ingredient allowed per acre.

Where EBDC Products Used Allow Different Maximum Poundage of Active Ingredient Per Acre Per Season:

If more than one product containing an EBDC active ingredient is used on a crop during the same growing season and the EBDC products used allow different maximum poundage of active ingredient per acre per season, then the total poundage of all such EBDC products used must not exceed the lowest specified individual EBDC product maximum seasonal poundage of active ingredient allowed per acre.

Seed Treatment:

In addition to the maximum number of foliar applications permitted by the formula stated above, a single application for seed treatment may be made on crops which have registered seed treatment uses.

IV. Cancellation Order for Collards, Mustard Greens, Turnips, and Spinach

Background. As discussed above, the NOIC of March 2, 1992 announced the Agency's decision to cancel 11 uses including collards, mustard greens, turnips (includes tops), and spinach. The NOIC stated that under FIFRA section 6(b), persons adversely affected by the Notice could request a hearing within 30 days of receipt of the Notice or 30 days from the date of publication. A hearing request was submitted by the American Food Security Coalition (AFSC), a group of Georgia leafy greens growers, and United Foods, Inc. (the petitioners) regarding cancellation of the use of EBDCs on collards, mustard greens, turnips, and spinach. (Ref. 5)

On June 25, 1993, the Court granted a motion which stated that the Agency and the petitioners had initiated settlement discussions and that the petitioners had developed new scientific data that the Agency would review. The parties were required to file monthly status reports while reviews and negotiations were conducted.

The petitioners conducted field trial residue studies for maneb on collards, mustard greens and turnips at use rates lower than those previously allowed. These reports were submitted to the Agency in December of 1993. Reviews of these studies and negotiations continued through February 1, 1996 when the proceedings were concluded with the Settlement Agreement between the petitioners and the Agency. (Refs. 5 and 6) This agreement canceled all EBDC uses on collards, mustard greens, turnips, and spinach - except limited use on collards, mustard greens, and turnips in Georgia and Tennessee, and announced the petitioners' withdrawal of their hearing request.

Treated greens-risks. The Agency determined in the PD 4/NOIC that the dietary risk of continued use of EBDCs on collards, mustard greens, and turnips exceeded the benefits based on the evidence available at the time. The PD 4 risk assessment for these crops was based on pre-PD 4 labels which allowed an unlimited number of applications with no application intervals, required a 10–day pre-harvest interval, limited the maximum rate per application to 2.4 lbs a.i., and permitted nationwide use.

The petitioners claimed that the dietary exposure estimates used for the leafy greens in the PD 4 (field trial data) were based on residue estimates significantly higher than the estimates that would be expected from market basket data, with adjustments for washing and processing. The petitioners submitted residue data from new maneb field trials conducted on collards, mustard greens, and turnips in Georgia and Tennessee. These data reflect use rates lower than those previously allowed.

Post PD 4 risk assessment. The field trial data were reviewed on January 25, 1994. (Ref. 7) Using the cancer potency factor (Q_1*) of 0.11 $(mg/kg/day)^{-1}$ as had been used for the PD 4, and assuming 100% crop treated, risk was estimated for a variety of registration scenarios and population groups (Refs. 8, 9, 10, and 11). The risk from treated greens to the general population was estimated to be 1.0×10^{-6} and risk to non-Hispanic blacks (the most sensitive sub-population) was estimated to be 5.8×10^{-6}. (A cancer risk of 5.8×10^{-6} indicates that the individual has an estimated 5.8 out of 1 million chance of developing cancer over a lifetime due to exposure to the chemical.) The risk to Non-Hispanic Blacks is higher than the general population because of higher reported consumption. The Agency considered the risk to non-Hispanic blacks to be unacceptable.

The Agency met with the petitioners in September 1994 to convey the determination that risk continued to outweigh benefits.

Revised Post PD 4 risk assessment. Subsequent to the September 1994 meeting with the petitioners, two significant factors led the Agency to reassess the risk of these uses — a revised interspecies scaling factor was adopted by the Agency, and additional information was submitted regarding percent crop treated.

In late 1994, the Agency adopted the Unified Interspecies Scaling Factor for translation of animal bio-assays to humans. Because this factor is used in calculating the Q_1*, the Agency adjusted the Q_1* from 0.11 to 0.06. The revised Q_1* resulted in a revised risk estimate for the 45 retained uses, which decreased from 1.6×10^{-6} to 0.9×10^{-6} for the general population. Risk estimates for greens for the general population decreased from 1.0×10^{-6} to 4.6×10^{-7} and for non-Hispanic blacks decreased from 5.8×10^{-6} to 2.6×10^{-6}. (Ref. 12)

Percent crop treated is the number of acres of treated crop divided by the total number of acres of a crop grown in the United States if a crop is only treated in certain areas of the United States, then the Agency would normally assume that the percent crop treated was the same as the percent of nationwide acreage grown in a particular area. Originally, EPA used the conservative assumption that in certain areas all of the leafy greens being marketed would have been treated with maneb (100% crop treated). This

was based on EPA's belief at the time that leafy greens markets were relatively static and that certain supermarket chains or regions would tend to sell, over long periods of time, leafy greens grown in the same area.

In May, 1995, however, the petitioners argued that a better way to estimate the percent crop treated with maneb would be to take into account the relative percentage of the leafy green crops grown in Georgia and Tennessee. Turnips, collards, and mustard greens grown in these states represents 22%, 31%, and 36% of national production, respectively. In support of this request, petitioners provided market distribution data for Georgia and Tennessee grown greens. The information submitted demonstrated that Georgia and Tennessee greens are distributed nationally, as are greens from other states, and that in any given region the source of greens varies with the season and with changes in marketing contracts. This information convinced the Agency that there was no need to assume that individuals would be exposed to 100% maneb-treated leafy greens over their lifetime. Instead, the Agency assumed that 100% of these leafy greens grown in Georgia and Tennessee (and 0% elsewhere) would be treated, resulting in a nationwide percent of crop treated of 22% for turnips, 31% of collards, and 36% of mustard greens.

The Agency's final risk assessment based on the 1993 leafy greens data is presented in detail in the Health Effects Division's 2/21/95 Review of Potential Section 18 use, and the corresponding DRES Analysis dated 3/23/95. (Refs. 12 and 13) The final risk estimate for maneb on greens only with the revised Q_1* and the 22/31/36 Georgia and Tennessee percent crop treated assumption, is 1.3×10^{-7} for the general population and 7.1×10^{-7} for non-Hispanic blacks.

Treated greens--benefits. At the time of the PD 4, the Agency anticipated significant impacts from the loss of use of EBDC on the three greens. The estimated impacts were $13 - $31 million, and this was confirmed by yield loss information reported after the PD 4. The current estimates are consistent with those from the PD 4.

Treated greens--risk/benefit conclusion. In the PD 4, the Agency used cost-effectiveness to compare risks and benefits among uses. Cost-effectiveness is a tool used to compare the impact to society associated with the loss of use (cost) on a particular site to the estimated reduction in risk of that site (effectiveness). For the EBDCs, the cost-effectiveness refers to the societal cost per cancer case avoided for a specific use. Although the cost estimates for the greens have not changed since the PD 4, the risk estimates have decreased significantly, bringing the cost-effectiveness ratios to an acceptable range. The current cost-effectiveness estimates for collards, mustard greens, and turnips are consistent with the PD 4 estimates for the other retained uses.

The revised risk from all EBDC treated crops combined, including the addition of Georgia and Tennessee treated greens, is estimated to be 1.6×10^{-6} for non-Hispanic blacks — the level determined to be acceptable at the PD 4, with comparable cost-effectiveness ratios. The revised risk to the general population is 1.0×10^{-6} which is lower than risk estimated at the PD 4. Based on current estimates, EPA concludes that risk does not outweigh benefits, provided that the use is limited to the use of maneb on leafy greens in Georgia and Tennessee only at the use rates specified below.

Treated greens--provisions of use. As finalized by the February 1, 1996 Settlement Agreement, all EBDC/maneb uses on collards, mustard greens, turnips, and spinach other than the uses in the following Table 1 for Maneb 75DF or Maneb 80WP in Georgia and Tennessee only, are now canceled:

TABLE 1.—APPLICATION RATES FOR MANEB 75DF AND MANEB 80WP

(Georgia and Tennessee only)

Crop	Collards	Turnips (Varieties grown for greens only)	MustardGreens
Number of Applications Per Cutting.	3	1	2
Interval between Applications.	14 days	N/A	14 days
Pre-Harvest Interval	14 days	14 days	14 days
Rate Per Application	1.2 lb active ingredient per acre	1.2 lb active ingredient per acre	1.2 lb active ingredient per acre
Rate Per Cutting	3.6 lb active ingredient per acre	1.2 lb active ingredient per acre	2.4 lb active ingredient per acre

References

The following sources are referenced in this document.

1. IN RE: American Food Security Coalition (AFSC), et al. Joint Motion for Accelerated Decision and Settlement Agreement. May 28, 1992. FIFRA Hearing Docket 646.

2. IN RE: Elf Atochem of North America, Inc. and Griffin Corporation. Initial Decision, Recommended Order. July 8, 1994. FIFRA Hearing Docket 657.

3. IN RE: Elf Atochem of North America, Inc. and Griffin Corporation. Order Declining Review. August 3, 1994. FIFRA Hearing Docket 657.

4. Housenger, Jack. Response to April 14, 1992 letter regarding the ''Restriction Statement Required in the PD 4.'' May 26, 1992.

5. IN RE: American Food Security Coalition (AFSC), et al. Joint Motion for an Accelerated Decision and Order and Settlement Agreement. January 31, 1996. FIFRA Hearing Docket 646.

6. IN RE: American Food Security Coalition (AFSC), et al. Accelerated Decision and Order. February 1, 1996. FIFRA Hearing Docket 646.

7. Hummel, Susan V. Maneb on Collards/ Field Trials, Residue Decline Studies, Reduction of Residue Study, Final Reports. January 25, 1994.

8. Griffin, Richard. EBDC/ETU Special Review. DRES Dietary Exposure and Risk Estimates for Use of Maneb on Collards, Mustard Greens, and Turnip Tops. Estimates Based on New Residue Studies. February 3, 1994.

9. Griffin, Richard. EBDC/ETU Special Review. DRES Dietary Exposure and Risk Estimates for Use of Maneb on Collards, Mustard Greens, and Turnip Tops. March 11, 1994.

10. Griffin, Richard. EBDC/ETU Special Review. DRES Dietary Exposure and Risk Estimates for Use of Maneb on Collards, Mustard Greens, and Turnip Tops. March 18, 1994.

11. Griffin, Richard. Special Review for Maneb (EBDC) Use on Turnips, Collards, and Mustard Greens. DRES Dietary Exposure and Risk Estimates. June 3, 1994.

12. Griffin, Richard. Special Review. DRES Dietary Exposure and Risk Estimates for Proposed Section 18 Use of Formulations

Containing Metalaxyl, Maneb, Mancozeb, and Chlorothalonil. March 23, 1995.

13. Hummel, Susan V. Potential Section 18 use on Turnip, Mustard, and Collards. February 21, 1995.

List of subjects

Environmental protection, Administrative practice and procedure, Pesticides and pest, Reporting and recording requirements.

Dated: July 31, 1996.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 96–20458 Filed 8–13–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 95–176, FCC 96–318]

Closed Captioning and Video Description of Video Programming

AGENCY: Federal Communications Commission.

ACTION: Notice; Report to Congress.

SUMMARY: Section 305 of the Telecommunications Act of 1996 adds a new section 713, Video Programming Accessibility, to the Communications Act of 1934, as amended. Section 713 directs the Commission to conduct inquiries and report to Congress on the accessibility of video programming to persons with hearing and visual disabilities. On July 29, 1996, the Commission submitted its *Report* to Congress. As required by Section 713, the *Report* provides information on the availability of closed captioning for persons with hearing impairments and assesses the appropriate methods for phasing video description into the marketplace to benefit persons with visual disabilities. The *Report* is based on information submitted by commenters in response to a *Notice of Inquiry* in this docket and publicly available information. The *Report* is intended to provide Congress with the Commission's findings regarding closed captioning and video description of video programming as mandated by Section 713.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Marcia Glauberman or John Adams, Cable Services Bureau (202) 418–7200.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report* in MM Docket No. 95–176, FCC 96–318, adopted July 25, 1996, and released on July 29, 1996. The full text of the *Report* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., 20554, and may also be purchased from the Commission's copy contractor, International Transcription Service (''ITS, Inc.''), (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Synopsis of the Order

1. Section 305 of the Telecommunications Act of 1996, Public Law 104–104, 110 Stat. 56 (1996), adds a new section 713, Video Programming Accessibility, to the Communications Act of 1934, as amended. Section 713(a) requires the Commission to report to Congress by August 6, 1996, on the results of an inquiry conducted to ascertain the level at which video programming is closed captioned. Specifically, Section 713(a) directs the Commission to examine the extent to which existing or previously published programming is closed captioned, the size of the video programming provider or programming owner providing closed captioning, the size of the market served, the relative audience shares achieved and any other related factors.

2. The Commission also is required to establish regulations and implementation schedules to ensure that video programming is fully accessible through closed captioning within 18 months of the enactment of the section on February 8, 1996. The Commission will initiate a rulemaking proceeding to implement this provision within the next several months with the issuance of a notice of proposed rulemaking in order to prescribe regulations by August 8, 1997.

3. Section 713(f) requires the Commission to commence an inquiry within six months after the date of enactment to examine the use of video descriptions on video programming to ensure the accessibility of video programming to persons with visual impairments. It requires the Commission to report to Congress on its findings, including an assessment of the appropriate methods and schedules for phasing video descriptions into the marketplace, technical and quality standards for video descriptions, a definition of programming for which video descriptions would apply, and other technical and legal issues that the Commission deems appropriate.

4. The *Report* is based on comments filed in response to a *Notice of Inquiry* in this docket, summarized at 60 FR 65052 (December 18, 1995), that sought comment on a wide range of issues relating to closed captioning and video description of video programming and publicly available information.

5. Key findings of the *Report* include:

Closed Captioning

- The primary beneficiaries of closed captioning are the approximately 22.4 million persons who are hearing disabled.
- Between 50 and 60 million U.S. homes have access to closed captioning. As a result of the Television Decoder Circuitry Act of 1990 and the Commission's implementing rules, all television receivers with screen sizes 13 inches or larger must be capable of receiving and displaying closed captions.
- Through the efforts of Congress, government agencies and a variety of private parties, captioned video programming has grown over the past 25 years and is now a common feature of many video programming types. Most nationally broadcast prime time television programming and nationally broadcast children's programming news, daytime programming and some sports programming, both commercial and noncommercial, is now captioned. New feature films produced in the U.S. that will be distributed by broadcast networks, cable networks, syndicators and local stations following their theatrical release are now captioned at the production stage. Local broadcast stations also frequently caption the portions of their local newscasts that are scripted in advance. Many of the national satellite cable programming networks distribute programming containing closed captions.
- Certain types of programming, however, are unlikely to be captioned, including non-English language programming, home shopping programming, weather programming that includes a large amount of visual and graphic information, live sports, and music programming. Captions are less likely to be included in programming intended to serve smaller or specialized audience markets.
- There is a wide range in the costs of closed captioning that reflects the method of adding the captions, the quality of the captions and the entity providing the captions. For pre-recorded programming, estimates of the cost of captioning range from $800 to $2500 per hour of programming. Estimates for the costs of captioning live programming range from $150 to $1200 per hour. The Department of Education provided about $7.9 million for closed captioning last year, which represents roughly 40% of the total amount spent on captioning.