

enhanced I/M SIP revision will be based on whether it meets the requirements of section 110(a) (2)(A)–(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 24, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96–28543 Filed 11–5–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 152 and 156

[OPP–36190A; FRL–5572–6]

RIN 2070–AC46

Pesticides and Ground Water State Management Plan Regulation; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposal; extension of comment period.

SUMMARY: In the Federal Register of June 26, 1996, EPA announced proposed key components of the Agency's 1991 *Pesticides and Ground Water Strategy*. Through the development and use of State Management Plans (SMPs), EPA is proposing to restrict the use of certain pesticides by providing States with the flexibility to protect the ground water in the most appropriate way for local conditions. This document announces an extension of the comment period for an additional 30 days.

DATES: Comments must be submitted on or before December 6, 1996.

ADDRESSES: Submit written comments identified by the docket control number OPP–36190A by mail to: Public Response Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments directly to the OPP docket which is located in Rm. 1132 of Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form or encryption.

Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number “OPP–36190A.” No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Jim Roelofs, Policy and Special Projects Staff, Office of Pesticide Programs, Environmental Protection Agency, Mail Code (7501C), 401 M St., SW., Washington, DC 20460, Telephone: (703) 308-2964, e-mail: roelofs.jim@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 26, 1996 (61 FR 33260) (FRL–4981–9), EPA announced proposed key components of the Agency's 1991 *Pesticides and Ground Water Strategy*.

Although the comment period on the proposed rule announced in the proposed rule was for 120 days, the Agency has received a number of requests for an extension of time in which to submit comments. All of these requests are from organizations representing various commodity growers, for example, corn growers and grain sorghum producers. The requests generally note that the original comment period coincides with the busiest time of year for farmers, including the harvest time for these crops, and that the organizations representing these people feel they need more time to educate their members about the proposed rule, and give them an opportunity to comment to the Agency. Some of the requests specify a 90-day extension. All of these requests have been placed in the public docket for the proposed rule.

The Agency does want to encourage growers and commodity organizations to comment on the proposed rule, but

believes that 90 days would unreasonably disrupt the rulemaking process and not be equitable for the many other commenters who have worked to submit comments by the original deadline. Therefore, the Agency is announcing a 30-day extension for the comment period, and encourages commodity organizations and their individual members to take this opportunity to submit comments.

List of Subjects

40 CFR Part 152

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

40 CFR Part 156

Environmental protection, Labeling, Occupational safety and health, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 31, 1996.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 96–28548 Filed 11–5–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[OPP–300440; FRL–5572–2]

RIN 2070–AC18

Sodium Bicarbonate and Potassium Bicarbonate; Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: EPA proposes to establish exemptions from the requirement of a tolerance for residues of the biochemical pesticides sodium bicarbonate and potassium bicarbonate in or on all raw agricultural commodities (RACs), when applied as fungicides or post-harvest fungicides in accordance with good agricultural practices. EPA is proposing this regulation on its own initiative.

DATES: Comments, identified by the docket number [OPP–300440], must be received on or before December 6, 1996.

ADDRESSES: By mail, submit written comments 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 deliver comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information

submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: 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. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [OPP-300440]. No CBI should be submitted through e-mail. Electronic comments on this proposed 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: Denise Greenway, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7501W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 5-W57, CSI, 2800 Crystal Drive, Arlington, VA 22202. (703) 308-8263; e-mail: greenway.denise@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 25, 1995 (60 FR 54689), EPA issued a notice (FRL-4982-4) that the Meiji Milk Products Co., Ltd., 2-Chome, Kyabashi Chuoku, Tokyo, Japan 250 (represented by Stewart Pesticide Registration Associates, Inc. of 1901 North Moore Street, Suite 603, Arlington, VA 22209), had submitted pesticide petition (PP) 5F4481 to EPA proposing to amend 40 CFR part 180 by establishing a regulation pursuant to section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to exempt from the requirement of a tolerance the residues of the biochemical pesticide sodium bicarbonate in or on citrus when applied as a fungicide in accordance with good agricultural practices. There

were no comments received in response to this notice of filing. Another company, Church and Dwight Co., Inc., obtained registration of the active ingredients sodium bicarbonate and potassium bicarbonate on December 20, 1994 as manufacturing products for formulating into fungicides to control powdery mildew and other fungal diseases of food and non-food crops. The Agency concluded that the historical knowledge of the effects of sodium bicarbonate and potassium bicarbonate on humans and the environment was adequate to allow the waiver of all data requirements. The Meiji Milk Products Co., Ltd. Pesticide Petition (PP 5F4481) was filed because associated registration applications from that company represent the first fungicidal food use sodium bicarbonate end-use products.

The Agency is making this proposal upon its own initiative to expand the tolerance exemption originally sought by Meiji Milk Products Co., Ltd. to 1) include the related compound, potassium bicarbonate, and 2) to permit pre-harvest and post-harvest use of both active ingredients in or on all raw agricultural commodities. This document represents an EPA-initiated proposal to establish exemptions from the requirement of a tolerance for residues of the biochemical pesticides sodium bicarbonate and potassium bicarbonate in or on all raw agricultural commodities (RACs), when applied as fungicides or post-harvest fungicides in accordance with good agricultural practices. EPA is proposing this regulation on its own initiative pursuant to section 408(e)(1)(B) of FFDCA.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104-170, 110 Stat. 1489) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 301 et seq., and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq. The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures.

New section 408(c)(2)(A)(i) allows EPA to establish an exemption from the requirement of a tolerance only if EPA determines that the exemption is "safe." Section 408(c)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all

other exposures for which there is reliable information." This includes exposure through drinking water, but does not include occupational exposure. Section 408(c)(2)(B) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue..." and specifies factors EPA is to consider in establishing an exemption. Section 408(c)(3)(B) provides for circumstances when no need exists for a practical method for detecting and measuring levels of pesticide chemical residue in or on food.

In light of FQPA, EPA is engaged in an intensive process, including consultation with registrants, States, and other interested stakeholders, to make decisions on the new policies and procedures that will be appropriate as a result of enactment of FQPA. This process will generally delay the review of food use applications, particularly those involving exposure to children. EPA will publish a notice in the Federal Register soon summarizing the requirements of FQPA, indicating how EPA intends to meet those requirements, and describing actions necessary to assure that EPA complies with the law. However, EPA also intends to continue to issue tolerances and exemptions in the interim pending publication of that notice. EPA also intends to issue interim guidance to States and others on how EPA will implement section 408 in the near future.

In deciding to issue tolerances and exemptions early in the process of FQPA implementation, EPA recognizes that it will be necessary to make decisions about the new FFDCA section 408, including the new safety standard. In establishing tolerances and exemptions during this interim period before EPA makes its broad policy decisions concerning the interpretation and implementation of the new section 408, EPA does not intend to set precedents for the application of section 408 and the new safety standard to other tolerances and exemptions. Rather, these early tolerance and exemption decisions will be made on a case-by-case basis and will not bind EPA as it proceeds with further rulemaking and policy development. EPA intends to act on tolerances and exemptions that clearly qualify under the law.

II. Risk Assessment and Statutory Findings

Consistent with section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. Sodium bicarbonate and potassium bicarbonate are already registered by EPA as manufacturing use products for formulating into fungicides for food and non-food plants. Sodium bicarbonate is exempted from the requirement of a tolerance when used in accordance with good agricultural practice as an inert (or occasionally active) ingredient in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest (40 CFR 180.1001(c)). As a minimal risk inert ingredient (List 4A) in pesticide products (59 FR 49400, September 28, 1994), sodium bicarbonate is recognized as safe for use in pesticide products based upon its known properties. Sodium bicarbonate is a permitted inert for formulating with the minimum risk active ingredients exempted from regulation (61 FR 8876, March 6, 1996)(FRL-4984-8) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). EPA has concluded that exemption of such products will not pose unreasonable risks to public health or the environment. The Food and Drug Administration (FDA) includes sodium bicarbonate and potassium bicarbonate in its listing of substances added directly to human food which have been found to be generally recognized as safe. (21 CFR 184.1736 and 184.1613).

EPA has assessed the toxicology data base for sodium bicarbonate and potassium bicarbonate and has sufficient data to assess the hazards of both and to make a determination on aggregate exposure, consistent with section 408(c)(2), for the exemptions from the requirement of a tolerance. EPA's assessment of the exposures, including dietary exposure, and risks associated with establishing these exemptions follows.

A. Toxicological Profile

The data submitted in the Meiji Milk Products Co., Ltd. petition and all other relevant material have been evaluated. The mammalian toxicological data considered in support of the exemption from the requirement of a tolerance for sodium bicarbonate include: an acute oral toxicity study in rats, an acute dermal toxicity study in rabbits, an acute inhalation data waiver request, a primary eye irritation study in rabbits, a primary dermal irritation study in rabbits, and a dermal sensitization study in guinea pigs.

The results of these studies indicated that sodium bicarbonate has an acute oral LD₅₀ greater than 5,000 mg/kg body weight in rats, an acute dermal LD₅₀ greater than 2,000 mg/kg body weight in rabbits, causes minimal eye irritation and slight dermal irritation in rabbits, and is a dermal non-sensitizer in guinea pigs (based on the modified Beuhler Assay). The acute inhalation waiver request was granted; data available to the Agency (from the earlier Church and Dwight Co., Inc. submission) indicate that 100 percent sodium bicarbonate has an LC₅₀ greater than 4.74 mg/l in rats.

The acute mammalian toxicological data submitted by Church and Dwight Co., Inc. indicated that sodium bicarbonate has an acute oral LD₅₀ greater than 5,000 mg/kg body weight in rats, an acute inhalation LC₅₀ greater than 4.74 mg/l in rats, and causes minimal eye irritation and slight dermal irritation in rabbits. They further indicate that potassium bicarbonate has an acute oral LD₅₀ of 2,825 mg/kg body weight in rats, an acute dermal LD₅₀ greater than 2,000 mg/kg body weight in rabbits, an acute inhalation LC₅₀ of 4.96 mg/l in rats, causes slight eye irritation and slight skin irritation in rabbits, and is a dermal non-sensitizer in guinea pigs.

B. Aggregate Exposure

For the purposes of assessing the potential dietary exposure under this exemption, EPA considered that under this exemption sodium bicarbonate and potassium bicarbonate could be present in all RACs. Other potential sources of exposure of the general population to residues of pesticides are residues in drinking water and exposure from non-occupational sources. Based on the available studies used in EPA's assessment of environmental risk, EPA does not anticipate exposure residues of sodium bicarbonate or potassium bicarbonate in drinking water. The potential for non-occupational, non-dietary exposure to the general population is, thus, not expected to be significant.

EPA also considered the potential for cumulative effects of sodium bicarbonate or potassium bicarbonate and other substances that have a common mechanism of toxicity. EPA concluded that consideration of a common mechanism of toxicity is not appropriate at this time. EPA has not concluded that toxic effects produced by sodium bicarbonate or potassium bicarbonate would be cumulative with those of any other chemical compounds; thus EPA is considering only the potential risks of sodium bicarbonate

and potassium bicarbonate in its aggregate exposure assessment.

C. Safety Determinations

1. *U.S. population in general.* Sodium bicarbonate and potassium bicarbonate are naturally occurring substances which are required for normal homeostatic mechanisms in humans, plants and the environment. The Food and Drug Administration has listed both sodium and potassium bicarbonate on its GRAS list (GRAS=generally recognized as safe). These compounds are extensively used in pharmaceuticals, foods, and medical devices and they have a wide distribution in commerce with no reported adverse effects. The low toxicity of the subject active ingredients is demonstrated by the data summarized above. Based on this information, EPA has concluded that aggregate exposure to sodium bicarbonate or potassium bicarbonate over a lifetime will not pose appreciable risks to human health. EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to sodium bicarbonate or potassium bicarbonate residues. Accordingly, EPA determines that exempting sodium bicarbonate and potassium bicarbonate from the requirement of a tolerance is safe.

2. *Infants and children.* EPA has determined that the toxicity and exposure data are sufficiently complete to adequately address the potential for additional sensitivity of infants and children to residues of sodium bicarbonate or potassium bicarbonate. EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to sodium bicarbonate or potassium bicarbonate residues.

D. Other Considerations

The Agency proposes to establish exemptions from the requirement of a tolerance without any numerical limitation; therefore, the Agency has concluded that analytical methods are not required for enforcement purposes for either sodium bicarbonate or potassium bicarbonate.

E. Conclusion

Based on the information and data considered, EPA proposes that the exemptions from the requirement of a tolerance be established as set forth below.

III. Comments

Under FFDCA section 408(e)(2), EPA must provide for a public comment period before issuing a final tolerance or tolerance exemption under section

408(e)(1). The public comment period is to be for 60 days unless the Administrator for good cause finds that it is in the public interest to reduce that comment period. Based on several factors, EPA believes there is good cause for reducing the comment period on these exemptions. First, notice was already provided, in accordance with the FFDCA prior to its recent amendment, for the exemption for sodium bicarbonate. No comments were received in response to that notice. Second, there is no question here regarding the safety of these compounds. Sodium bicarbonate and potassium bicarbonate are substances needed for normal homeostatic mechanisms and are now widely used in pharmaceuticals and foods. Residues of these substances in foods from their use as pesticides will be insignificant in comparison. Third, the low toxicity of sodium bicarbonate and potassium bicarbonate represents a safer alternative to traditional chemical fungicides currently available to the public. In the FQPA, Congress urged EPA to give priority to tolerance or exemption petitions for such safer pesticides. See section 408 (d)(4)(B). Therefore, the Agency is allowing a 30 day instead of a 60 day public comment period for these proposed tolerance exemptions.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300440]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch at the address given above from 8 a.m. to 4:30 p.m. Monday through Friday, except legal holidays.

IV. Public Docket

A record has been established for this rulemaking under docket number [OPP-300440] (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 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 22202.

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 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.

V. Regulatory Assessment Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, since this action does not impose any information collection requirements as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., it is not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), 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 explaining the factual basis for this determination was published in the Federal Register of May 4, 1981 (46 FR 24950).

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication in today's Federal Register. This rule is

not a "major rule" as defined by 5 U.S.C. 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 180

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

Dated: October 28, 1996.

Penelope A. Fenner-Crisp,
Acting Director, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Chapter I be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 is revised to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By adding new §§ 180.1176 and 180.1177 to subpart D to read as follows:

§ 180.1176 Sodium bicarbonate; exemption from the requirement of a tolerance.

The biochemical pesticide sodium bicarbonate is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied as a fungicide or post-harvest fungicide in accordance with good agricultural practices.

§ 180.1177 Potassium bicarbonate; exemption from the requirement of a tolerance.

The biochemical pesticide potassium bicarbonate is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied as a fungicide or post-harvest fungicide in accordance with good agricultural practices.

[FR Doc. 96-28421 Filed 11-5-96; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-217, RM-8880]

Radio Broadcasting Services; Humboldt, Kansas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Michael Sutcliffe proposing the allotment of Channel 232C3 to Humboldt, Kansas, as the community's first local FM service. Channel 232C3 can be allotted to Humboldt in compliance with the