

known if remaining emission points not tested at this mill emit enough additional HAP to be a major source, or if a larger thermomechanical mill would be a major source. NCASI also published a Technical Bulletin, Number 649 (Docket A-95-31 item II-D-12) on emissions from operations that bleach and brighten secondary fibers. This bulletin was based on sampling conducted in 1991 and 1992. Due to an increase in the demand for secondary fiber, these mills have increased in size since the 1991/1992 sampling program. Therefore, large stand alone secondary fiber mills may exist that have HAP emissions large enough to be major sources. Where these MACT III mills are collocated at kraft, sulfite, semi-chemical, and soda mills that are major sources, they will be subject to MACT standards; however, the only emission sources that would be affected by the MACT III proposed standard are the MACT III bleach plants and possibly the paper machines (for emissions resulting from solvent or additive use). EPA knows of no additional bleach plants that would be subject to MACT standards because of their collocation at a MACT I mill that is a major source. Paper machines will only be affected if EPA decides to establish additive and/or solvent substitution as MACT.

#### *D. Proposed MACT III*

The information gathered during the Presumptive MACT process indicates that there are no air pollution control devices in place on MACT III sources except for chlorine bleaching processes. Based on this finding, the floor for these sources is no control. Further, available information indicates any add-on controls would not be cost effective for these sources. Therefore, EPA has decided not to require controls beyond the floor. The MACT proposed here for the MACT III sources is no add-on controls for pulping and the associated wastewater, paper machines, and nonchlorine bleaching.

Bleach plants at MACT III sources collocated with MACT I sources are presently regulated under the MACT I standard (see Section VI.E, Level of Standards). Based on information provided by industry, EPA believes traditional bleach plants using chlorinated bleaching agents, such as those found at Kraft mills, that are located at stand-alone MACT III mills are presently controlled with scrubbers that remove chlorine and hydrogen chloride for process or worker safety reasons. EPA is not aware of any better control that could be used. Therefore, control of air emissions from these bleach plants is already in place and the

proposed MACT for bleach plants at stand-alone MACT III facilities is no additional control.

EPA is proposing no MACT standard for chemical additives and solvents at paper machines at this time. EPA continues to investigate the use of HAP chemicals in papermaking, the magnitude of HAP emissions, and the viability of chemical substitution that would reduce HAP emissions. An example of chemical substitution is substitution of HAP-containing additives and solvents with lower HAP or non-HAP organic compounds. If information becomes available regarding the floor or cost-effective HAP controls beyond the floor, EPA will propose a MACT standard for additive and solvent usage on paper machines in the future.

#### *E. Request for Information*

Additional information is being collected by industry groups, which began a testing program in September 1995. This program is designed to evaluate emissions from mechanical pulping processes, secondary fibers pulping processes, and paper machines. Industry plans to have the report on this sampling program available in January of 1997. EPA has also requested any available information on HAP emissions from nonwood mills from States with these mills; however, limited data are expected to be available. EPA is requesting any information on uncontrolled bleaching using chlorinated bleaching agents at stand-alone MACT III sources. To supplement the information collected during the Presumptive MACT and the more recent industry and EPA efforts, EPA is requesting data and comments on its proposal for the MACT III source category.

#### *List of Subjects in 40 CFR Part 63*

Air pollution control, Hazardous air pollutants, Pulp and paper mills.

Dated: March 1, 1996.

Richard S. Wilson,  
*Assistant Administrator for Air and Radiation.*

[FR Doc. 96-5397 Filed 3-7-96; 8:45 am]

BILLING CODE 6560-50-P

#### **40 CFR Part 180**

[PP 4E4418/P643; FRL-5353-2]

RIN 2070-AB18

#### **Lactofen; Pesticide Tolerance**

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

**ACTION:** Proposed Rule.

**SUMMARY:** EPA proposes to establish a tolerance for the combined residues of the herbicide lactofen in or on the raw agricultural commodity snap beans at 0.05 part per million (ppm). The proposed regulation to establish a maximum permissible level for residues of the herbicide was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

**DATES:** Comments, identified by the document control number [PP 4E4418/P643], must be received on or before April 8, 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, bring comments to: Rm. 1132, CM #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 should not be submitted through e-mail. Information marked as CBI 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 written comments will be 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 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 4E4418/P643]. 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 in SUPPLEMENTARY INFORMATION of this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington,

DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, (703) 308-8783, e-mail: jamerson.hoyt@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 4E4418 to EPA on behalf of the Agricultural Experiment Stations of Arkansas, Florida, Georgia, Oregon, Tennessee, and Virginia. This petition requests that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.432 by establishing a tolerance for the combined residues of lactofen, 1-(carboethoxy)ethyl-5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate, and its associated metabolites containing the diphenyl ether linkage expressed as lactofen in or on the raw agricultural commodity snap beans at 0.05 ppm. The scientific data submitted in the petition and other relevant material have been evaluated.

The toxicological data considered in support of the proposed tolerance include:

(1) A 1-year feeding study with dogs fed diets containing 0, 40, 200, or 1,000/3,000 ppm with a no-observed-effect level (NOEL) of 200 ppm (equivalent to 5 milligrams (mg)/kilogram (kg)/day). Systemic effects observed at the high dose level include decreased body weight, renal dysfunction, a significant decrease in erythrocytes, hemoglobin, and hematocrit, and a significant increase in blood platelets.

(2) A 2-year feeding/carcinogenicity study in rats fed diets containing 0, 500, 1,000, or 2,000 ppm with a NOEL for systemic effects of 500 ppm (equivalent to 25 mg/kg/day). Increased pigmentation of the liver and kidney were observed in male and female rats at the 1,000 and 2,000 dose levels. There was an increased incidence of cellular alterations and neoplastic nodules (benign) in the liver of rats administered 2,000 ppm (100 mg/kg/day).

(3) An 18-month carcinogenicity study in mice fed diets containing 10, 50, or 250 ppm with statistically significant increases in liver adenomas and carcinomas, and in the combined incidence of liver tumors (adenomas and carcinomas) in high dose males. Statistically significant increases in the incidences of liver adenomas and in combined liver tumors (adenomas and carcinomas) were observed in high dose females. Systemic effects include an increase in liver/body weight ratios and

enlarged liver cells in all treated males and the mid- and high-dose females.

(4) A developmental toxicity study in rats given 0, 15, 50, or 150 mg/kg by oral gavage with no developmental toxicity observed under the conditions of the study. Evidence of fetotoxicity (bent ribs) was observed at the 150 mg/kg dose level.

(5) A developmental toxicity study in rabbits given 0, 1, 4, or 20 mg/kg/day by oral gavage with no evidence of developmental toxicity.

(6) A 2-generation reproduction study in rats fed diets containing 0, 50, 500, or 2,000 ppm with a NOEL at 50 ppm (equivalent to 2.5 mg/kg/day) for reproductive and systemic effects. Reproductive effects observed at the lowest-observed-effect level (500 ppm) include reduced mean pup weight and increased pup heart and liver weights.

(7) Lactofen did not cause an increase in chromosomal aberrations when tested with Chinese hamster ovary cells, was negative in a mammalian cell forward mutation assay, and did not induce unscheduled DNA synthesis in isolated rat hepatocytes. Lactofen did have a low covalent binding index to mouse liver DNA *in vivo* and was positive in the Ames Salmonella/microsome plate test using strain 1538.

Lactofen has been classified by the Office of Pesticide Program's, Health Effects Division, Carcinogenicity Peer Review Committee (CPRC) as a Group B2 carcinogen (probable human carcinogen). Lactofen met the criteria of a B2 carcinogen in that it induced an increased incidence of malignant tumors or combined malignant and benign tumors in mice and rats. Although an increase in malignant tumors was not seen in rats, the Committee felt that a B2 classification was appropriate since a tumor response was seen in two species at the same site. In addition, lactofen is structurally similar to acifluorfen, nitrofen, oxyfluorfen and fomesafen, which have all been shown to produce liver tumors in rodents.

Dietary risk assessments for lactofen indicate that there is minimal risk from established tolerances and the proposed tolerance for snap beans. Dietary risk assessments were conducted using the Reference Dose (RfD) and the cancer potency factor for lactofen to assess chronic risk from lactofen residues in the human diet.

The RfD for lactofen is 0.002 mg/kg of body weight/day. The RfD is based on the lowest-observed effect level (1.5 mg/kg/day) from the 18-month mouse feeding study and an uncertainty factor of 1,000. An uncertainty factor of 1,000 was used to calculate the RfD since a

NOEL could not be established from the mouse study. Available information on anticipated residues and/or percent of crop treated was used in the analysis to estimate the Anticipated Residue Contribution (ARC) of existing uses of lactofen and the proposed use on snap beans. The ARC from existing uses and the proposed use utilizes less than 1 percent of the RfD for the U.S. population and all population subgroups.

The upper-bound carcinogenic risk from dietary exposure to lactofen is calculated at  $4.3 \times 10^{-7}$ . The carcinogenic risk for lactofen was calculated using the ARC estimates for dietary exposure from existing uses and the proposed use on snap beans and a  $Q^*$  of 0.16 (mg/kg/day)<sup>-1</sup>.

The nature of lactofen residues in snap beans is adequately defined for purposes of this tolerance. The residues of concern in snap beans are lactofen and its metabolites containing the diphenyl ether linkage. An adequate analytical method is available for enforcement purposes. The method is available in the *Pesticide Analytical Manual, Volume II* (PAM II).

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, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

A record has been established for this rulemaking under docket number [PP 4E4418/P643] (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.

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.

Under Executive Order 12866 (58 FR  
51735, Oct. 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.

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: February 28, 1996.

Stephen L. Johnson,

*Director, Registration Division, Office of  
Pesticide Programs.*

Therefore, it is proposed that 40 CFR  
part 180 be 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. In § 180.432, *Lactofen; tolerances  
for residues*, by revising paragraph (a) to  
read as follows:

#### § 180.432 Lactofen; tolerances for residues.

(a) Tolerances are established for the  
combined residues of lactofen, 1-  
(carboethoxy)ethyl-5-[2-chloro-4-  
(trifluoromethyl)phenoxy]-2-  
nitrobenzoate, and its associated  
metabolites containing the diphenyl  
ether linkage expressed as lactofen in or  
on the following raw agricultural  
commodities:

Commodities	Parts per million
Beans, snap .....	0.05
Soybeans .....	0.05

\* \* \* \* \*

[FR Doc. 96-5538 Filed 3-7-96; 8:45 am]

BILLING CODE 6560-50-F

#### 40 CFR Part 300

[FRL-5436-5]

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

AGENCY: Environmental Protection  
Agency (EPA).

ACTION: Notice of intent to delete  
Newport Dump Superfund Site, Wilder,  
Kentucky, from the National Priorities  
List.

SUMMARY: The Environmental Protection  
Agency (EPA) Region 4 announces its  
intent to delete the Newport Dump Site  
(the Site) from the National Priorities  
List (NPL) and requests public  
comments on this proposed action. On  
May 16, 1988, EPA issued a notice

announcing its intent to delete this site  
and others. The notice is being revised  
to conform to the most recent Site  
conditions. The NPL constitutes  
Appendix B of 40 CFR part 300 which  
is the National Oil and Hazardous  
Substances Contingency Plan (NCP),  
which EPA promulgated pursuant to  
Section 105 of the Comprehensive  
Environmental Response, Compensation  
and Liability Act of 1980 (CERCLA), as  
amended. EPA and the Commonwealth  
of Kentucky have determined that the  
Site poses no significant threat to public  
health and the environment and  
therefore, further remedial measures  
pursuant to CERCLA are not  
appropriate.

DATES: Comments may be submitted by  
midnight April 17, 1996.

ADDRESSES: Comments may be mailed  
to: Liza I. Montalvo, Remedial Project  
Manager, North Superfund Remedial  
Branch, U.S. Environmental Protection  
Agency, Region 4, 345 Courtland Street,  
N.E., Atlanta, GA 30365.

Comprehensive information on this  
Site is available through the public  
docket which is available for viewing at  
the Newport Dump site information  
repositories at the following locations:  
Campbell County Library, 403

Monmouth, Newport, KY, 41071.  
U.S. EPA Record Center, 345 Courtland  
Street, N.E., Atlanta, GA, 30365.

FOR FURTHER INFORMATION CONTACT: Liza  
I. Montalvo, U.S. EPA Region 4, 345  
Courtland St., N.E., Atlanta, GA 30365,  
404-347-3555 Ext. 2030 or 1-800-435-  
9233 Ext. 2030.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Environmental Protection Agency  
(EPA) Region 4 announces its intent to  
delete the Newport Dump site, Wilder,  
Kentucky, from the National Priorities  
List (NPL), Appendix B of the National  
Oil and Hazardous Substances Pollution  
Contingency Plan (NCP), 40 CFR part  
300, and requests comments on its  
deletion. 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 these sites. As described in  
§ 300.425(e)(3) of the NCP, sites deleted  
from the NPL remain eligible for  
remedial actions in the unlikely event  
that conditions at the site warrant such  
action.

The EPA will accept comments on the  
proposal to delete this Site for thirty  
days after publication of this notice in  
the Federal Register.

Section II of this notice explains the  
criteria for deleting sites from the NPL.  
Section III discusses the procedures that