

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 4F4331/R2170] (including objections and hearing requests 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.

Written objections and hearing requests, identified by the document control number [PP 4F4331/R2170], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at: opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk 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 any objections and hearing requests 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 objections and hearing requests 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 review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is

likely to result in 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 referred to as "economically significant"); (2) creating serious inconsistency or otherwise materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations or recipients thereof; or (3) 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 the 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 exemption from tolerance requirements do not have a significant economic effect on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (49 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: August 31, 1995.

Daniel M. Barolo,

Director, 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. In subpart D, by adding new § 180.1155, to read as follows:

§ 180.1155 *Bacillus thuringiensis* CryIA(c) delta-endotoxin and the genetic material necessary for its production; exemption from the requirement of a tolerance.

Bacillus thuringiensis CryIA(c) delta endotoxin and the genetic material necessary for its production are exempted from the requirement of a tolerance when used as a plant pesticide in cotton. "Genetic material necessary for its production" means the CryIA(c) gene and its regulatory regions.

"Regulatory regions" are the genetic materials that control the expression of the gene, such as promoters, terminators, and enhancers.

[FR Doc. 95-23077 Filed 9-13-95; 12:19 pm]

BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7159

[AZ-930-1430-01; A-1880, A-12962, A-13003]

Revocation of Coal Land Withdrawals; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes in their entirety two Secretarial Orders and two Executive Orders insofar as they affect the remaining 134,960 acres of lands withdrawn for Federal coal classification purposes. The lands are located within the Coronado and Sitgreaves National Forests and the San Carlos Indian Reservation. The withdrawals are no longer needed as the United States Geological Survey has classified the lands as Non-Coal lands and has recommended revocation of the withdrawals. The lands located within the National Forests will be opened to nonmetalliferous mining and to such forms of disposition as may be law be made of National Forest System lands. The lands located within the Indian Reservation will not be opened since reservation lands are not subject to entry under the general land laws or the United States mining laws.

EFFECTIVE DATE: October 16, 1995.

FOR FURTHER INFORMATION CONTACT: John Mezes, BLM Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011, (602) 650-0518.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Secretarial Orders dated November 29, 1909, and December 28, 1909, and the Executive Order dated July 7, 1910, which withdrew lands and created Coal Land Withdrawal, Arizona No. 1, are hereby revoked in their entirety insofar as they affect the remaining withdrawn lands described as follows:

Gila and Salt River Meridian

San Carlos Indian Reservation

T. 4 S., Rgs. 18, 19 and 20 E., (Portion located within the San Carlos Indian Reservation).

Gila and Salt River Meridian

Coronado and Sitgreaves National Forests

T. 4 S., R. 20 E., (Portion located within the Coronado National Forest).

T. 10 N., R. 18 E., (Portion located outside of the Fort Apache Indian Reservation).

T. 11 N., R. 18 E.,

Sec. 13, SW¹/₄ W¹/₂SE¹/₄;

Sec. 14, E¹/₂SE¹/₄;

Sec. 19, Lots 3, 4, E¹/₂SW¹/₄, and SE¹/₄;

Sec. 20, S¹/₂;

Sec. 21, SW¹/₄SW¹/₄;

Sec. 22, E¹/₂SE¹/₄, N¹/₂NW¹/₄SE¹/₄,

S¹/₂SW¹/₄SE¹/₄, S¹/₂N¹/₂SW¹/₄SE¹/₄,

N¹/₂NE¹/₄SW¹/₄, W¹/₂SW¹/₄,

S¹/₂N¹/₂SE¹/₄SW¹/₄, and S¹/₂SE¹/₄SW¹/₄;

Sec. 23, NE¹/₄NE¹/₄, W¹/₂, NE¹/₄SE¹/₄, and S¹/₂SE¹/₄;

Sec. 24, NW¹/₄NE¹/₄, and N¹/₂NW¹/₄;

Secs. 25 to 30, inclusive;

Secs. 31 to 34, inclusive (portion located outside of the Fort Apache Indian Reservation);

Secs. 35 and 36.

T. 10 N., R. 19 E.,

Secs. 1 to 6, inclusive;

Sec. 7 (portion located outside of the Fort Apache Indian Reservation);

Secs. 8 to 17, inclusive;

Secs. 18 to 20, inclusive (portion located outside of the Fort Apache Indian Reservation);

Secs. 21 to 25, inclusive;

Secs. 26 to 29, inclusive (portion located outside of the Fort Apache Indian Reservation);

Secs. 35 and 36 (portion located outside of the Fort Apache Indian Reservation).

T. 11 N., R. 19 E.,

Sec. 19, Lots 3, and 4, and E¹/₂SW¹/₄;

Sec. 25, S¹/₂;

Sec. 26, S¹/₂;

Sec. 27, S¹/₂;

Sec. 29, W¹/₂, and W¹/₂SE¹/₄;

Secs. 30 and 31;

Sec. 32, W¹/₂, and W¹/₂E¹/₂;

Sec. 33, E¹/₂;

Secs. 34 to 36, inclusive.

The areas described aggregate 85,754 acres in Pinal, Graham, and Navajo Counties.

2. The Executive Order dated April 13, 1917, which withdrew lands and created Coal Land Withdrawal, Arizona No. 2 are hereby revoked in their entirety insofar as they affect the remaining withdrawn lands described as follows:

Gila and Salt River Meridian

Sitgreaves National Forest

T. 10 N., R. 16 E.,

Sec. 1, (Portion located outside of the Fort Apache Indian Reservation).

T. 11 N., R. 16 E.,

Sec. 25, S¹/₂;

Sec. 36.

T. 10 N., R. 17 E.,

Sec. 3 to 9, inclusive (Portion located outside of the Fort Apache Indian Reservation).

T. 11 N., R. 17 E.,

Sec. 25, S¹/₂;

Sec. 26, S¹/₂;

Sec. 27, S¹/₂;

Sec. 28, S¹/₂;

Sec. 29, S¹/₂;

Sec. 30, S¹/₂;

Secs. 31 to 33, inclusive;

Secs. 34 to 36, inclusive (Portion located outside of the Fort Apache Indian Reservation).

T. 10 N., R. 20 E.,

Secs. 5 to 8, inclusive;

Secs. 13 to 20, inclusive;

Secs. 21 to 23, inclusive (Portion located outside of the Fort Apache Indian Reservation);

Sec. 24;

Secs. 25, 26 and 28 (Portion located outside of the Fort Apache Indian Reservation);

Secs. 29 and 30;

Secs. 31 to 33, inclusive (Portion located outside of the Fort Apache Indian Reservation).

T. 9 N., R. 21 E., (Portion located outside of the Fort Apache Indian Reservation).

T. 10 N., R. 21 E.,

Secs. 19 to 22, inclusive;

Sec. 25, NW¹/₄NW¹/₄NE¹/₄NE¹/₄,

N¹/₂N¹/₂NW¹/₄NE¹/₄,

W¹/₂NW¹/₄SW¹/₄NE¹/₄, SW¹/₄SW¹/₄NE¹/₄,

W¹/₂SE¹/₄SW¹/₄NE¹/₄, E¹/₂E¹/₂NW¹/₄,

N¹/₂NW¹/₄NE¹/₄NW¹/₄,

N¹/₂S¹/₂NW¹/₄NE¹/₄NW¹/₄,

N¹/₂N¹/₂NW¹/₄NW¹/₄,

N¹/₂S¹/₂N¹/₂NW¹/₄NW¹/₄,

N¹/₂NE¹/₄NE¹/₄SW¹/₄,

SW¹/₄NE¹/₄NE¹/₄SW¹/₄,

SE¹/₄NW¹/₄NE¹/₄SW¹/₄,

E¹/₂SW¹/₄NE¹/₄SW¹/₄, SW¹/₄SW¹/₄,

W¹/₂W¹/₂SE¹/₄SW¹/₄,

NE¹/₄NW¹/₄SE¹/₄SW¹/₄,

NW¹/₄NE¹/₄SE¹/₄SW¹/₄,

N¹/₂NW¹/₄NW¹/₄SE¹/₄,

NW¹/₄NE¹/₄NW¹/₄SE¹/₄,

SE¹/₄NE¹/₄NW¹/₄SE¹/₄,

E¹/₂SE¹/₄NW¹/₄SE¹/₄, E¹/₂E¹/₂SW¹/₄SE¹/₄,

S¹/₂N¹/₂NE¹/₄SE¹/₄, S¹/₂NE¹/₄SE¹/₄, and

SE¹/₄SE¹/₄;

Secs. 26 to 29, inclusive;

Secs. 30 to 33, inclusive (Portion located outside of the Fort Apache Indian Reservation);

Secs. 34 to 36, inclusive.

T. 9 N., R. 22 E.,

Secs. 1 to 3, inclusive;

Secs. 6 and 7 (Portion located outside of the Fort Apache Indian Reservation);

Sec. 9;

Sec. 10, E¹/₂, E¹/₂W¹/₂, W¹/₂NW¹/₄,

W¹/₂W¹/₂SW¹/₄, W¹/₂E¹/₂W¹/₂SW¹/₄;

Secs. 11 and 12.

T. 10 N., R. 22 E.,

Secs. 28, 31, 34 and 35.

T. 8 N., R. 23 E.,

Sec. 2;

Secs. 11 and 12 (Portion located outside of the Fort Apache Indian Reservation).

T. 9 N., R. 23 E.,

Secs. 7 to 9, inclusive;

Secs. 16 to 21, inclusive;

Secs. 28, 29 and 33;

Sec. 34, W¹/₂.

The areas described aggregate 49,206 acres in Navajo County.

3. At 10 a.m. on October 16, 1995, the Forest Service lands described in paragraphs 1 and 2 shall be opened to such forms of disposition as may by law be made of National Forest System lands, including location and entry for nonmetalliferous minerals under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

4. The lands located within the San Carlos Indian Reservation will not be opened since reservation lands are not subject to entry under the general land laws or the United States mining laws.

Dated: September 5, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95-22916 Filed 9-14-95; 8:45 am]

BILLING CODE 4310-32-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-73; RM-8568]

Radio Broadcasting Services; Boonville and Fayette, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 230C3 for Channel 230A at Boonville, Missouri, reallots the Channel to Fayette, Missouri, and modifies the license for Station KTLH to specify operation on Channel 230C3 at Fayette, Missouri, in response to a petition filed by Big Country of Missouri. See 60 FR 29816, June 6, 1995. The coordinates for Channel 230C3 at Fayette are 39-05-00 and 92-28-30. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 27, 1995.