

Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*).

Federalism

The Coast Guard has analyzed this regulation under the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2. of Commandant Instruction M16475.1B it will have no significant environmental impact and it is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security Measures, Waterways.

Regulation

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for 33 CFR part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5; 49 CFR 1.46.

2. A new section 165.T11-058 is added to read as follows:

§ 165.T1158 Safety zone: Long Beach Harbor, CA

(a) *Location.* All waters within the boundaries defined by the line connecting the following coordinates are established as a safety zone (Datum: NAD 83):

Latitude	Longitude
33° 44.5' N	118° 11.2' W.
33° 44.5' N	118° 10.9' W.
33° 44.3' N	118° 10.8' W.
33° 44.0' N	118° 10.8' W.
33° 44.0' N	118° 11.1' W.

(b) *Effective Date.* This section is effective at 12:01 a.m. PDT on April 24, 1996. It will remain in effect until 12:01 a.m. PDT on March 31, 1997 unless cancelled earlier by the Captain of the Port.

(c) *Regulations.* The general regulations governing safety zones contained in 33 CFR 165.23 apply. No person or vessel may enter or remain within the designated zones without the

permission of the Captain of the Port Los Angeles-Long Beach, California or his representative.

Dated: April 24, 1996.

E.E. Page,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach, California.

[FR Doc. 96-12427 Filed 5-16-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 5F4445/R2235; FRL-5366-4]

Allyl Isothiocyanate as a Component of Food Grade Oil of Mustard; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement for a tolerance for residues of the insecticide and repellent, Allyl isothiocyanate (as a component of food grade Oil of Mustard), in or on all raw agricultural commodities, when applied according to approved labeling. Champon 100% Natural Products, Inc. of Boca Raton, Florida, requested this exemption.

EFFECTIVE DATE: This regulation becomes effective May 17, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [[PP 5F4445/R2235], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of

objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [PP 5F4445/R2235]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Robert Forrest, Product Manager (PM) 14, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 219, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703) [305-6600].

SUPPLEMENTARY INFORMATION: In the Federal Register of October 25, 1995, (60 FR 54689), EPA issued a notice that Champon 100% Natural Products, Inc., had submitted pesticide petition (PP) 5F4445 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 establish an exemption from the requirement of a tolerance for allyl isothiocyanate (a component of oil of mustard) in or on all fruits and vegetables, nuts, berries, and grains." There were no public comments received as a result of the publication of the notice of filing.

Allyl isothiocyanate, the subject of this exemption request, is a component of Oil of Mustard. The Agency has registered this active ingredient as a dog or cat repellent since 1962. Then, in 1991, the Agency registered three products as an insecticide and repellent to Champon 100% Natural Products for non-food/non-feed uses. This exemption request expands the use of this active ingredient for food/feed uses.

The Agency has evaluated the data and other relevant material submitted with the petition or obtained from other sources. These data and material show that:

1. Allyl isothiocyanate, as a component of oil of mustard, is on the Food and Drug Administration (FDA) Generally Recognized as Safe (GRAS) list (21 CFR 182.10, 182.20, 582.10 and 582.20).

2. Oil of Mustard, as a component of household Yellow Mustard and Brown Mustard, has been used in a variety of food products [baked goods, oils, meats, processed vegetables, snack foods, soups, nut products, and gravies at concentrations up to 18,344 parts per million (ppm)], for a long time, without any known deleterious health effects.

3. The Acute Oral LD₅₀ for Allyl isothiocyanate, in rats, is 339 mg/kg body weight (Toxicity Category II). An end-use formulation, as applied, contains only 0.2% Allyl isothiocyanate, which represents a 500-fold dilution of active ingredient.

4. The Acute Oral LD₅₀ for Oil of Mustard, in rats, is 14.8 g/kg body weight (Toxicity Category IV).

The toxicology data and other information provided are sufficient to demonstrate that there are no foreseeable human health hazards likely to arise from the use of the insecticide, Allyl isothiocyanate (as a component of food grade Oil of Mustard), in or all raw agricultural commodities.

This pesticide/repellent is considered useful for the purpose for which the exemption from tolerance is sought and capable of achieving its physical or technical effect.

Based on the information considered, the Agency concludes that establishment of a tolerance is not necessary to protect the public health. Therefore, the exemption from tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections.

Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is 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).

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

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review. In addition, this action does not impose any enforceable duty, or contain any "unfunded mandates" as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: May 8, 1996.

Daniel M. Barolo,
Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

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

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

2. By adding § 180.1167 to subpart D to read as follows:

§ 180.1167 Allyl isothiocyanate as a component of food grade oil of mustard; exemption from the requirement of a tolerance.

The insecticide and repellent Allyl isothiocyanate is exempt from the requirement of a tolerance for residues when used as a component of food grade oil of mustard, in or on all raw agricultural commodities, when applied according to approved labeling.

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40 CFR Part 300

[FRL-5507-3]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deletion of the A.L. Taylor Superfund Site, Brooks, Kentucky from the National Priorities List.

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces the deletion of the A.L. Taylor Superfund Site in Brooks, Kentucky, from the National Priorities List (NPL) (Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP)). EPA and the Commonwealth of Kentucky have determined that all appropriate Fund-financed responses under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, have been implemented and that no further cleanup is appropriate. Moreover, EPA and the Commonwealth of Kentucky determined that response actions