EPA itself has the authority to pursue under CERCLA sections 104(a) or 104(b). All restrictions on EPA's use of funding cited in CERCLA section 104 also apply to brownfields assessment pilot cooperative agreement recipients.

The proposal evaluation panels will review the proposals carefully and assess each response based on how well it addresses the selection criteria, briefly outlined below:

1. Problem Statement and Needs Assessment (4 points out of 20)
   —Effect of Brownfields on your Community or Communities
   —Value Added by Federal Support
2. Community-Based Planning and Involvement (6 points out of 20)
   —Existing Local Commitment
   —Community Involvement Plan
   —Environmental Justice Plan
3. Implementation Planning (6 points out of 20)
   —Appropriate Authority and Government Support
   —Environmental Site Assessment Plan
   —Proposed Cleanup Funding Mechanisms
   —Flow of Ownership Plan
4. Long-Term Benefits and Sustainability (4 points out of 20)
   —National Replicability
   —Measures of Success

Dated: October 30, 1996.

Linda Garczynski,

Director, Outreach and Special Projects Staff, Office of Solid Waste and Emergency Response.

[FR Doc. 96–28433 Filed 11–4–96; 8:45 am]

BILLING CODE 6560–50–P

[PF–672; FRL–5572–8]

Pesticide Tolerance Petition; Notice of Filing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing.

SUMMARY: This notice is a summary of a pesticide petition proposing the extension of time-limited tolerances for combined residues of 4-(dichloroacetyl)-3,4-dihydro-3-methyl-2H-1,4-benzoxazine (benoxacor) when used as an inert ingredient (safener) in pesticide formulations containing metolachlor in or on raw agricultural commodities for which tolerances have been established for metolachlor. This summary was prepared by the petitioner.

DATES: Comments, identified by the docket number [PF–672], must be received on or before December 5, 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.

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 [PF–672]. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted as comments concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). No 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.

FOR FURTHER INFORMATION CONTACT: By mail, Kerry B. Leifer, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460. Office location and telephone number: Rm. 6–F, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, (703) 308–8811; e-mail: leifer.kerry@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received a pesticide petition (PP) 7E3489 from Ciba Crop Protection, Ciba-Geigy Corporation, P.O. Box 18300, Greensboro, NC 27419, proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C section 346a (d), to amend 40 CFR part 180 by extending a time-limited tolerance for combined residues of 4-(dichloroacetyl)-3,4-dihydro-3-methyl-2H-1,4-benzoxazine (benoxacor) when used as an inert ingredient (safener) in pesticide formulations containing metolachlor in or on raw agricultural commodities for which tolerances have been established for metolachlor from December 1, 1996 to December 1, 1998. The proposed analytical method is capillary gas chromatography using Nitrogen/Phosphorous (N/P) detection.

Pursuant to section 408(d)(2)(A)(i) of the FFDCA, as amended, Ciba-Geigy Corporation has submitted the following summary of information, data and arguments in support of their pesticide petition. This summary was prepared by Ciba-Geigy and EPA has not fully evaluated the merits of the petition. EPA edited the summary to clarify that the conclusions and arguments were the petitioner's and not necessarily EPA's and to remove certain extraneous material.

I. Ciba-Geigy Petition Summary:

1. Residue Chemistry

A. *Plant/Animal Metabolism*

Ciba Crop Protection (Ciba) notes that the metabolism in plants and animals (goat, hen, and rat) is well understood. Identified metabolic pathways are similar in plants and animals.

B. *Analytical Method*

Ciba Analytical Method AG536(C) is available and involves extraction, filtering, dilution, partitioning, and cleanup. Samples are then analyzed by capillary gas chromatography using Nitrogen/Phosphorous (N/P) detection. The limit of quantitation (LOQ) is 0.01 ppm.

C. *Magnitude of the Residues*

More than 30 residue trials were conducted in 19 states on a variety of agricultural crops [corn (field and sweet); soybeans, potatoes, green beans, radishes, sorghum, peanuts, head lettuce, peas]. There were no detectable residues of benoxacor at the limit of quantitation (LOQ) of 0.01 ppm (many samples were analyzed at an LOQ of 0.005 ppm and no residues were detected) in any raw agricultural commodity or processed commodity. No transfer of residue to animals is expected through their diet. Benoxacor is stable for a minimum of 12 months at temperatures down to –15C.

2. Toxicological Profile

The following studies were submitted in support of this petition:

A. *Acute toxicity*

A rat acute oral study with an LD50 > 5000 mg/kg, a rabbit acute dermal study with an LD50 > 2010 mg/kg, a rat inhalation study with an LC50 > 2000 mg/liter, a primary eye irritation study in the rabbit showing moderate eye

irritation, a primary dermal irritation study in the rabbit showing benoxacor is not a skin irritant, and a skin sensitization study which showed benoxacor to be a skin sensitizer in the Guinea pig. Results of a dermal absorption study show a maximum of 55.7% of benoxacor is absorbed by the rat following a 24 hour dermal exposure.

Benoxacor was applied to the shaved skin of 5 male and 5 female New Zealand White rabbits at dose levels of 0, 1, 500, or 1010 mg/kg for at least 22 consecutive days. This study showed benoxacor is not dermally toxic at doses greater than the limit dose of 1000 mg/kg/day.

B. *Genotoxicity*

Benoxacor did not induce point mutations in vitro at limit (cytotoxic) concentrations in a Salmonella/mammalian microsome test or show any mutagenic activity in the Chinese hamster V79 mammalian point mutation test and is neither clastogenic nor aneugenic in the Chinese hamster at doses up to the limit dose of 5000 mg/kg. Benoxacor did not induce unscheduled DNA synthesis in isolated rat hepatocytes at cytotoxic concentrations up to 20 µ g/ml.

C. *Developmental and Reproductive Toxicity*

A developmental toxicity study in the rat at doses of 0, 1, 100, or 400 mg/kg/day by gavage with maternal and developmental NOEL's of 1 mg/kg/day. Maternal, embryo, and fetal toxicity were observed at doses > 100 mg/kg/day.

A developmental toxicity study in the rabbit at doses of 0, 0.5, 2.5, 12.5 or 62.5 mg/kg/day. Slight evidence of maternal and fetal toxicity was observed at 62.5 mg/kg/day. The maternal and developmental NOEL's were 12.5 mg/kg/day and 62.5 mg/kg/day, respectively.

A two-generation reproduction study in the rat at doses of 0, 10, 50, 500, or 1000 ppm with a NOEL of 50 ppm. No effects on fertility, reproductive performance or development were seen in the rat at a maximally-tolerated dose of 1000 ppm. Treatment related effects on body weight at feeding levels of > 500 ppm were accompanied by marginally reduced food intake only in the 1000 ppm group.

D. *Subchronic Toxicity*

Six groups of 15 male and 15 female Sprague Dawley rats were fed benoxacor at dietary concentrations of 0, 10, 100, 300, 1000, or 6000 ppm for 13 weeks. The liver (pigmentation, karyomegaly, cytomegaly, bile duct proliferation, portal mononuclear cell infiltration) and stomach (pyloric gland degeneration and necrosis) were identified as target organs in the 6000 ppm group. Based on a significant depression of body weight gain at 1000 and 6000 ppm as well as hematology, clinical chemistry and pathology findings, the NOEL was determined to be 300 ppm.

A 90–day feeding study in the dog at doses of 0, 0.25, 1, 5, 50, 150, or 400 mg/kg/day. Liver, kidney, stomach, and thymus were identified as target organs. The NOEL was 50 mg/kg/day. The maximum tolerated dose was exceeded at > 150 mg/kg/day.

A 90–day feeding study in CD–1 mice at dietary concentrations of 0, 50, 500, 2000 or 6000 ppm for 90 days. Effects on survival, clinical signs, body weight, food consumption, the hematological system, and liver and kidney were seen at 6000 ppm and to a lesser extent at 2000 ppm. The NOEL was 500 ppm.

E. *Chronic Toxicity*

A 52–week feeding study in the dog at doses of 0, 1, 5, 40, or 80 mg/kg. Liver and kidney were identified as target organs and the NOEL was established at 5 mg/kg.

An 18-month oncogenicity study in the mouse at doses of 0, 10, 30, 600, or 1200 ppm with a NOEL of 30 ppm (4.2 mg/kg/day) for both chronic toxicity and tumors. Target organs were the liver and forestomach. A carcinogenic response was noted in the forestomach and is likely to be linked to a non-genotoxic mode of action involving direct irritation to the epithelial lining of the forestomach and limiting ridge between the non-glandular and glandular stomach.

A 24 month chronic feeding and oncogenicity study in the rat at doses of 0, 10, 50, 500, or 1000 ppm. Liver and forestomach were identified as target organs. A carcinogenic response was seen in the forestomach and is likely linked to a non-genotoxic mode of action involving direct irritation to the epithelial lining of the forestomach and the limiting ridge. The NOEL for tumors was 500 ppm (25 mg/kg/day) and the NOEL for chronic toxicity was 10 ppm (0.5 mg/kg/day).

Based on the available chronic toxicity data, Ciba Crop Protection believes the RfD for benoxacor is 0.002 milligrams (mg)/kilogram(kg)/day based on a 2–year feeding study in rats with a No-Observed Adverse Effect Level (NOAEL) of 0.5 mg/kg/day and an uncertainty factor of 300. For this action, Ciba has used the NOAEL instead of a NOEL because of slight effects noted on target organs at the low dose of 0.5 mg/kg/day used in the chronic rat study. The use of a 300–fold safety factor takes into account these changes and the reference dose derived in this manner will provide an adequate safety margin for human exposure.

Using the Guidelines for Carcinogenic Risk Assessment published September 24, 1986 (51 FR 33992), Ciba believes the Agency will classify benoxacor as a Group C carcinogen (possible human carcinogen) based on findings of a carcinogenicity effect in the non-glandular stomach of both rats and mice. Because this carcinogenic response was only observed at high doses in the non-glandular stomach of the rodent, an anatomical structure not found in humans, it is likely this response occurred via a non-genotoxic, threshold based mechanism. Ciba believes exposure to benoxacor should be regulated using a margin of exposure approach where the carcinogenic NOEL established in the most sensitive species, the mouse, was 4.2 mg/kg/day.

3. Aggregate Exposure

A. *Dietary exposure*

1) *Food*

For purposes of assessing the potential dietary exposure under the proposed tolerances, Ciba has estimated aggregate exposure based on the theoretical maximum residue contribution (TMRC) from the benoxacor tolerance of 0.01 ppm in or on raw agricultural commodities for which tolerances have been established for metolachlor. In conducting this exposure assessment, Ciba has made very conservative assumptions--100% of all raw agricultural products for which tolerances have been established for metolachlor will contain benoxacor residues and those residues would be at the level of the tolerance (0.01 ppm) -which result in an overestimate of human exposure.

2) *Drinking water*

Although benoxacor is mobile and hydrolyzes slowly at low pHs, it rapidly degrades in the soil (half-life of 49 days under aerobic conditions and 70 days anaerobically). Based on this data, Ciba does not anticipate exposure to residues of benoxacor in drinking water. This is supported by extensive experience with metolachlor, where in large scale ground water monitoring studies, metolachlor has been detected in less than 4% of the samples with the typical value being 1 ppb or less. Since benoxacor is formulated as a 1 to 30 or 1 to 20 ratio with metolachlor and acetamide, respectively, (maximum of 0.2 pounds benoxacor per acre) the presence of benoxacor in groundwater is highly unlikely. The EPA has not established a Maximum Concentration Level for residues of benoxacor in drinking water.

B. *Non-Dietary Exposures*

Ciba has evaluated the estimated non-occupational exposure to benoxacor and based on its low use rate concludes that the potential for non-occupational exposure to the general population is unlikely except for the potential residues in food crops discussed above. Benoxacor is used only on agricultural crops and is not used in or around the home.

4. Cumulative Effects

Ciba also considered the potential for cumulative effects of benoxacor and other substances that have a common mechanism of toxicity. Ciba concluded that consideration of a common mechanism of toxicity is not appropriate at this time. Ciba does not have any reliable information to indicate that toxic effects seen at high doses of benoxacor (generalized liver toxicity, nephrotoxicity and the occurrence of forestomach tumors in an organ not present in humans) would be cumulative with those of any other chemical compounds; thus Ciba is considering only the potential risks of benoxacor in its aggregate exposure assessment.

5. Safety Determination

A. *U.S. Population*

Using the conservative exposure assumptions described above and based on the completeness and reliability of the toxicity data base for benoxacor, Ciba has calculated that aggregate exposure to benoxacor will utilize 9.4% of the RfD for the U.S. population based on chronic toxicity endpoints and only 0.4% based on a margin of exposure assessment and a carcinogenic NOEL of 4.2 mg/kg/day. EPA generally has no concern for exposures below 100 percent of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Ciba concludes that there is a reasonable certainty that no harm will result from aggregate exposure to benoxacor residues.

B. *Infants and Children*

Using the same conservative exposure assumptions used for the determination in the general population, Ciba has concluded that the percent of the RfD that will be utilized by aggregate exposure to residues of benoxacor is 10.5% for nursing infants less than 1 year old, 40.4% for non-nursing infants, 23.8% for children 1–6 years old and 15.4% for children 7–12 years old. These worst case estimates are likely at least 4 times greater than actual values when considering that benoxacor residues have not been detected at the limit of quantitation of 0.005 ppm (tolerance is 0.01 ppm) and using a more realistic market share of 50% rather than the conservative 100%. Therefore, based on the completeness and reliability of the toxicity data base and the conservative exposure assessment, Ciba concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to benoxacor residues.

6. International Tolerances

A maximum residue level has not been established for benoxacor by the Codex Alimentarius Commission.

II. Administrative Matters:

Interested persons are invited to submit comments on this notice of filing. Comments must bear a notation indicating the document control number, [PF–672].

A record has been established for this rulemaking under docket number [PF–672] (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 Rm. 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 may 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 notice, 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 notice 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.

List of Subjects

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

Dated: October 31, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96–28551 Filed 11–1–96; 1:38 pm]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting

October 31, 1996.

Deletion of Agenda Item From October 29th Open Meeting

The following item has been deleted from the list of agenda items scheduled for consideration at the October 29, 1996, Open Meeting and previously listed in the Commission's Notice of October 22, 1996 (61 FR 55637, October 28, 1996).

Item No.	Bureau	Subject
2	Wireless Telecommunications	Title: Amendment of the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation (WTDocket No. 95–157, RM–8643). Summary: The Commission will consider action concerning the relocation of microwave incumbents in the 2 GHz band.