Pollution Control District. At the request of the Western States Petroleum Association, EPA is extending the comment period for 30 days.

DATES: The comment period is extended until November 13, 1988.

ADDRESSES: Comments should be submitted to: Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

FOR FURTHER INFORMATION CONTACT: Thomas C. Canaday at (415) 744–1202.

Dated: October 8, 1998.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 98–28488 Filed 10–22–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300690; FRL–6019–7]

RIN 2070–AC18

Certain Plant Regulators, Cytokinins, Auxins, Gibberellins, Ethylene, and Pelargonic Acid; 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 active ingredients cytokinins, auxins, gibberellins, ethylene, and pelargonic acid in or on all food commodities, when used as plant regulators on plants, seeds, or cuttings and on all food commodities after harvest. EPA also proposes to remove any existing crop-specific tolerances and/or exemptions from the requirement of a tolerance for the subject active ingredients as well as considering such tolerances to be reassessed as required by the Food Quality Protection Act of 1996 (FQPA). EPA is proposing this regulation on its own initiative to facilitate the addition of new crops, application rates, and uses to the labels of products containing the listed active ingredients when used as plant regulators.

DATES: Comments, identified by the docket control number [OPP–300690], must be received on or before December 22, 1998.

ADDRESSES: By mail, submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under Unit VI of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

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 will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 119 at the Virginia address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Denise Greenway, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: 9th fl., Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202; (703) 308–8263; greenway.denise@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA proposes to amend 40 CFR part 180 by establishing exemptions from the requirement of a tolerance for the active ingredients cytokinins (specifically: aqueous extract of seaweed meal and kinetin); auxins (specifically: indole-3-acetic acid and indole-3-butyric acid); gibberellins [gibberellic acids (GA_3 and $GA_4 + GA_7$), and sodium or potassium gibberellate]; ethylene; and pelargonic acid, in or on all food commodities, when used as plant regulators on plants, seeds or cuttings and on all food commodities, after harvest, in accordance with good agricultural practices. EPA concurrently proposes the revision or revocation and removal of any existing crop-specific tolerances and/or exemptions from the requirement of tolerances for the listed active ingredients when used as plant regulators. In taking this action EPA will consider those tolerances and/or exemptions to be reassessed (Federal Food, Drug, and Cosmetic Act, 408(q) as amended by the FQPA of 1996).

The Agency has selected this group of plant regulators as the subject of this proposal due to their non-toxic mode of action, toxicity profile, low application rates, and the expectation that plant regulator uses will not significantly increase their intake above normally consumed levels. There are additional plant regulator active ingredients which may meet the selection criteria. The Agency may, in the future, propose a similar document addressing other candidate plant regulator active ingredients.

All of the subject active ingredients are currently registered plant regulators, with the exception of indole-3-acetic acid. The Agency discourages the establishment (or existence) of tolerances, or exemptions from the requirement of a tolerance, for active ingredients for which there are no registered pesticide products. Therefore, any Final Rule subsequent to this proposal will not include indole-3-acetic acid (a naturally occurring analog of indole-3-butyric acid) in the tolerance exemption for auxins, unless during the comment period specific requests that it be included are received. Such requests must document the intention of the commentor to promptly submit upon publication of the Final Rule an application to register a plant regulator product containing indole-3-acetic acid as an active ingredient.

The Agency is making this proposal upon its own initiative to facilitate the addition of new crops, application rates, and uses to the labels of products containing the listed active ingredients when used as plant regulators. A plant regulator is defined by EPA as ''...any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof...'' (FIFRA sec. 2 (v)). Additionally, plant regulators are characterized by their low rates of application; high application rates of the same compounds often are herbicidal.

I. Risk Assessment and Statutory Findings

New section 408(c)(2)(A)(i) allows EPA to establish an exemption from the requirement of a tolerance (the legal limit for a pesticide chemical residue in or on a food) 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 and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) 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...'' Additionally, section 408(b)(2)(D)(v) requires that the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

II. Toxicological Profile

EPA has assessed the toxicology data base for the subject plant regulators and has sufficient data to assess the hazards 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. Waiver of Data Due to Low Toxicity

Tolerance exemptions for these types of substances are usually based on the results of subchronic feeding, developmental toxicity and mutagenicity studies, but for many of the plant regulators some or all of these study requirements have been waived because of negligible exposure from very low use rates. Such use rates for these active ingredients are expected to be effective when these substances are used as plant regulators and these low use rates are not expected to significantly increase dietary intake over that anticipated from consumption of a normal diet because the subject active ingredients are naturally occurring (or are synthesized to approximate the naturally occurring forms) in plants. Plants are part of a normal human diet. These substances are effective plant regulators when applied at low rates, but are often herbicidal when applied at high rates. The toxicological data presented below demonstrate that testing at high doses yields few effects in laboratory animals. Doses high enough to cause toxicity in animal studies would represent application rates toxic to crops (high, herbicidal rates), whereas the subject of this proposal is the plant regulator (low rates) use.

Human health data requirements for indole-3-butyric acid were waived for these reasons. Also, data from the published literature on ethylene, and the absence of any reports of significant toxicity from its widespread clinical use as an anesthetic were accepted by the Agency as sufficient to support the conclusion that ethylene will be nontoxic to humans under the conditions of use as a plant regulator (including low application rate), and no additional toxicity data on ethylene are required. No additional toxicity data are needed for cytokinins since they are naturally occurring in numerous plant food sources and are available as a food supplement.

Because there are no registered pesticide products with indole-3-acetic acid as the active ingredient, no data have been received or reviewed. Indole-3-acetic acid is a naturally occurring analog of indole-3-butyric acid, for which all human health data were waived for the reasons discussed above. Human health data on indole-3-acetic acid would be similarly waived.

A full Tier I data set (40 CFR 158.690) was available and reviewed for the gibberellins.

The 90–day oral toxicity study on pelargonic acid was waived on the strength of the absence of toxic effects at or below a limit dose (1,000 milligrams/kilogram/day (mg/kg/day)) in the 2–week range finding and developmental toxicity test results.

B. Data on Acute Toxicity

The mammalian acute toxicity data for the plant regulators considered in this exemption indicate low toxicity following single oral, dermal, or inhalation exposures (Toxicity Category III or IV). When tested for primary eye irritation, results for some of the subject active ingredients (pelargonic acid and indole-3-butyric acid, only) placed them in Toxicity Category II, but these findings do not adversely affect the proposed tolerance exemptions, which are based on dietary exposures. Prevention of eye irritation is addressed through protective equipment required by the product labels.

C. Other Toxicity Data

Subchronic toxicity data and genotoxicity assays were considered for gibberellins and pelargonic acid.

In two subchronic dietary studies of GA_3 and $GA_4 + GA_7$ in rats, the No Observed Adverse Effect Levels (NOAELs) approached or exceeded an oral limit dose (1,000 mg/kg/day), and the Lowest Observed Adverse Effect Levels (LOAELs) were twofold to fivefold higher than the limit dose. An oral developmental toxicity study with GA_3 in rats resulted in maternal and developmental toxicity NOAELs equal to or greater than the oral limit dose (highest dose tested), but an oral developmental toxicity study with $GA_4 + GA_7$ in rabbits established maternal and developmental toxicity NOAELs at 300 mg/kg/day. The highest dose tested (1,000 mg/kg/day) increased incidences of mortality, abortion, clinical signs of toxicity and gross pathological observations. $GA_4 + GA_7$ had no genotoxic effects at or below limit doses in a reverse mutation assay with *Salmonella typhimurium*, in an *in vivo* mouse micronucleus test, and in an *in vitro* UDS (unscheduled DNA synthesis) assay at concentrations up to 1,260 µg/ml. GA_3 was also negative at or below limit concentrations in *S. typhimurium* reverse mutation assays and in an *in vitro* mouse lymphoma cell assay. However, an *in vitro* cytogenetics assay in human lymphocytes demonstrated chromosomal effects at 4,500 µg/ml with metabolic activation and at 2,500 µg/ml without metabolic activation which suggested a potential concern for induction of chromosome damage *in vitro*. These two doses reduced the mitotic index of test cultures by 69% and 50% compared with control cultures for the 4,500 and 2,500 µg/ml levels, respectively, which indicated that these dose levels had excessive cytotoxicity. In addition, dose levels equal to or less than 2,500 µg/ml with metabolic activation or 1,250 µg/ml in the absence of metabolic activation did not induce chromosomal aberrations.

A 14–day range finding test with pelargonic acid to determine dosing concentrations for a 90–day rat oral toxicity study revealed no adverse effects from pelargonic acid at any dose level, including the highest dose of 20,000 ppm (2 percent of the diet), or 1,834 mg/kg/day (a level exceeding the limit dose of 1,000 mg/kg/day). These results and those from the developmental toxicity study described below indicated that a 90–day oral toxicity study is not necessary for dietary risk assessment. No evidence of maternal or developmental toxicity was

seen in an oral developmental toxicity screen with pelargonic acid at a limit dose (1,500 mg/kg/day). No dermal or systemic toxicity and no increased incidence of tumors were observed in a chronic dermal toxicity study in mice; the mice were treated twice weekly with 50 mg doses of undiluted pelargonic acid for 80 weeks. Pelargonic acid was shown not to be genotoxic in bacteria (*S. typhimurium*) at limit concentrations (5,000 µg/plate) or in an *in vivo* mouse micronucleus assay at dose levels of 1,250, 2,500 or 5,000 mg/kg. In an *in vitro* mouse lymphoma forward mutation assay pelargonic acid induced a mutagenic response at levels greater than or equal to 50 µg/ml with metabolic activation. However, the small sizes of the mutant colonies indicated that the genetic damage was associated with chromosomal damage instead of specific gene mutations. Pelargonic acid in the absence of metabolic activation did not induce gene mutations in mouse lymphoma cells at concentrations as high as 1,200 µg/ml, and higher concentrations were cytotoxic. The *in vivo* mouse micronucleus assay with pelargonic acid did not corroborate the chromosomal findings in the *in vitro* mouse lymphoma assay.

III. Aggregate Exposures

In examining aggregate exposure, FQPA directs EPA to consider available information concerning exposures from the pesticide residue in food and drinking water and all other non-occupational exposures, including exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

The mammalian toxicology data for these plant regulators indicate low acute toxicity following oral exposure (Toxicity Category III or IV). At the levels used as plant regulators, human dietary exposure is expected to be negligible and acute toxicity from such exposure is not expected. Subchronic and developmental toxicity studies indicated that toxicity did not occur as a result of repeated oral doses at or above 1,000 mg/kg of body weight, and no mutagenic activity was observed. Therefore, it is unlikely that chronic dietary exposures would be high enough to result in effects harmful to humans.

1. *Food*. Residue analyses data, if any have been submitted, are not a component of this determination since these plant regulators either are naturally occurring in many food plants and are therefore a component of the normal human diet, and/or are used at very low rates. The Agency believes that use of the above plant regulators will result in negligible to nonexistent residues in or on foods or feed.

2. *Drinking water exposure*. For the purposes of assessing the potential dietary exposure under these exemptions, EPA considered that under these exemptions the subject active ingredients could be present in all food commodities. Other potential sources of dietary exposure of the general population to residues of pesticides are residues in drinking water. Based on the available studies used in EPA's assessment of environmental risk, EPA does not anticipate residues of the subject active ingredients in drinking water.

B. Other Non-occupational Exposure

For the subject active ingredients, the toxicity data demonstrated no toxic endpoints upon which to base a risk characterization at or below 1,000 mg/kg of body weight/day (the limit dose). Any non-occupational risk is expected to be insignificant because of the non-toxic mode of action and low exposure resulting from the low plant regulator application rates. Also, the subject active ingredients are naturally occurring in foods and turf, or are synthetics approximating the natural forms in structure and activity. Additionally, appropriate label precautions will mitigate risk from exposure through residential (home and garden) use.

1. *Dermal exposure*. The mammalian toxicology data for these plant regulators indicate low acute toxicity following dermal exposure (Toxicity Category III or IV), with the following exception. Acute toxicity studies placed technical pelargonic acid in Toxicity Category II for primary dermal irritation.

2. *Inhalation exposure*. The mammalian toxicology data for these plant regulators indicate low acute toxicity following inhalation exposure (Toxicity Category III or IV).

IV. Other Considerations

A. Endocrine Disruptors

The Agency has no information to suggest that the subject plant regulators will have an effect on the immune and endocrine systems. The Agency is not requiring information on the endocrine effects of these biological plant regulators at this time; Congress has allowed 3 years after August 3, 1996, for the Agency to implement a screening program with respect to endocrine effects. Because of the long-term history of natural exposure in the diet, it is not anticipated that the subject active ingredients will require endocrine effects screening.

B. Analytical Method(s)

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 any of the subject active ingredients.

C. Codex Maximum Residue Level

There are no CODEX tolerances nor international tolerance exemptions established for the subject active ingredients, when used as plant regulators, at this time.

V. Safety Determination for U.S. Population, Infants and Children

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of exposure (safety) for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the data base, unless EPA determines that a different margin of exposure (safety) will be safe for infants and children.

Margins of exposure (safety) are often referred to as uncertainty (safety) factors. In this instance, the Agency believes that there are reliable data to support the conclusion that the subject active ingredients when used as plant regulators are practically non-toxic to mammals, including infants and children, and, thus, there are no threshold effects, and EPA has not used a margin of exposure (safety) approach to assess their safety. As a result, the provision requiring an additional margin of exposure (safety) does not apply.

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action.

Based on the information and data considered, the Agency has determined that use of these pesticides as plant growth regulators will not pose a dietary risk under reasonably foreseeable circumstances.

As to cytokinins, auxins, and ethylene, the lack of concern regarding toxic effects (as evidenced by the waivers of data on indole-3-butyric acid and cytokinins, and the reliance upon public literature on ethylene), plus the low plant regulator application rates, and the expectation that plant regulator uses will not significantly increase intake of these active ingredients above normally consumed levels demonstrate that there is reasonable certainty of no harm from their use as plant regulators.

As to gibberillins, although there were some positive results at cytotoxic doses from genotoxicity assays, the negative results from the other genotoxicity assays with gibberellins, low plant regulator application rates, and the expectation that plant regulator uses will not significantly increase intake of gibberellins above normally consumed levels demonstrate that there is reasonable certainty of no harm from use of gibberellins as plant regulators.

As to pelargonic acid, the results of the toxicity studies, negative results in two of the three genotoxicity assays, low plant regulator application rates, and the expectation that plant regulator uses will not significantly increase intake of pelargonic acid above normally consumed levels demonstrate that there is reasonable certainty of no harm from use of this substance as a plant regulator.

Accordingly, EPA concludes that, in amending 40 CFR part 180, to establish the exemptions as proposed, there is a reasonable certainty that no harm to the general population, including infants and children, will result from aggregate exposure to the pesticide chemical residues of the subject active ingredients, when used as plant regulators. The safety of infants and children is supported by oral toxicity data indicating that, for the subject active ingredients, the doses must exceed 1,000 mg/kg/day before toxicity occurs.

VI. Public Record and Electronic Submissions

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number [OPP–300690] (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 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the Virginia address in ''ADDRESSES'' at the beginning of this document.

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. Comments and data will also be accepted on disks in Wordperfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number [OPP–300690]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

VII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This action proposes exemptions from the tolerance requirement under FFDCA section 408(d). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). In addition, this proposed action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing Intergovernmental Partnerships* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's proposed rule does not create an unfunded Federal mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

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 13, 1998.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, 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 continues to read as follows:

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

§ 180.224 [Removed]

2. By removing § 180.224 *Gibberellins; tolerances for residues.*

3. In § 180.1016 by revising paragraph (a) to read as follows:

§ 180.1016 Ethylene; exemption from the requirement of a tolerance.

* * * * *

(a) For all food commodities, it is used as a plant regulator on plants, seeds, or cuttings and on all food commodities after harvest and when applied in accordance with good agricultural practices.

* * * * *

§ 180.1042 [Removed]

4. By removing § 180.1042 *Aqueous extract of seaweed meal; exemption from the requirement of a tolerance.*

5. By revising § 180.1098, to read as follows:

§ 180.1098 Gibberellins [Gibberellic Acids (GA_3 and $GA_4 + GA_7$), and Sodium or Potassium Gibberellate]; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of gibberellins [gibberellic acids (GA_3 and $GA_4 + GA_7$), and sodium or potassium gibberellate] in or on all food commodities when used as plant regulators on plants, seeds, or cuttings and on all food commodities after harvest in accordance with good agricultural practices.

§ 180.1099 [Removed]

6. By removing § 180.1099 *Indole butyric acid (IBA); exemption from the requirement of a tolerance.*

7. In § 180.1159 by revising paragraph (a) to read as follows:

§ 180.1159 Pelargonic acid; exemption from the requirement of tolerances.

(a) An exemption from the requirement of a tolerance is established for residues of pelargonic acid in or on all food commodities when used as a plant regulator on plants, seeds, or cuttings and on all food commodities after harvest in accordance with good agricultural practices.

* * * * *

8. By adding new § 180.1157 and § 180.1158 to read as follows:

§ 180.1157 Cytokinins; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of cytokinins (specifically; aqueous extract of seaweed meal and kinetin) in or on all food commodities when used as plant regulators on plants, seeds, or cuttings and on all food commodities after harvest in accordance with good agricultural practices.

§ 180.1158 Auxins; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of auxins (specifically; indole-3-acetic acid and indole-3-butyric acid) in or on all food commodities when used as plant regulators on plants, seeds, or cuttings and on all food commodities after harvest in accordance with good agricultural practices.

[FR Doc. 98–28360 Filed 10–22–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[FRL–6179–4]

Land Disposal Restrictions: Notice of Intent To Grant a Site-Specific Treatment Variance to Chemical Waste Management, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency (EPA or Agency) is today proposing to grant a site-specific treatment variance from the Land Disposal Restriction (LDR) standards for two specific hazardous wastes to be stabilized by Chemical Waste Management, Inc. (CWM) at their Kettleman Hills facility in Kettleman City, California. These wastes have been classified as D010, as well as D004, D006, D007, and D008. CWM requests this variance because the wastes of concern cannot be treated to the treatment standard of 5.7 mg/L TCLP (63 FR 28556, May 26, 1998) for nonwastewater forms of D010 waste. The chemical properties of the wastes in question appear to differ significantly from the waste used to establish the LDR standard. Accordingly, the Agency today proposes to grant a site-specific treatment variance to CWM from the selenium treatment standard for the two wastes discussed in this proposal. The Agency is proposing an alternate treatment standard of 51 mg/L TCLP for the waste generated by Owens Brockway Glass Container Company, and 25 mg/L TCLP for the waste generated by Ball-Foster Glass Container Corporation.

If this proposal is finalized, CWM may land dispose of these two treated wastes in a RCRA Subtitle C landfill provided they comply with the specified alternate treatment standard for selenium nonwastewaters and they meet all other applicable LDR treatment standards. Furthermore, the Agency proposes to grant this variance for a period of three years. During this period, the Agency will request the petitioner to submit information on whether new technologies have become available to treat these wastes to the national treatment level of 5.7 mg/L TCLP and also whether some type of vitrification or recovery technology can be employed to recover and/or treat the selenium component of the waste in lieu of stabilization. Note that waste already disposed of pursuant to the standard established in a treatment variance would be lawfully disposed, and would not have to be retreated if the standard in the variance were altered or lapsed.

DATES: EPA is requesting comments on today's proposed decision. Comments will be accepted until November 13, 1998. Comments postmarked after the close of the comment period will be stamped ''late'' and may or may not be considered by the Agency.

ADDRESSES: Commenters must send an original and two copies of their comments referencing Docket Number F–98–CWMP–FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW, Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address below. Comments may also be submitted electronically through the Internet to: rcra-docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F–98–CWMP–FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under