

ARIZONA—PM—10—Continued

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Townships: T11S, R9E T11S, R10E T11S, R11E T11S, R12E T12S, R8E T12S, R9E T12S, R10E T12S, R11E T12S, R12E				
Pima County				
Ajo planning area	11/15/90	Nonattainment	11/15/90	Moderate.
Township T12S, R6W, and the following sections of Township T12S, R5W: a. Sections 6–8 b. Sections 17–20, and c. Sections 29–32				
Maricopa and Pinal Counties				
Phoenix planning area	11/15/90	Nonattainment	6/10/96	Serious.
The rectangle determined by, and including— T6N, R3W T6N, R7E T2S, R3W T2S, R7E T1N, R8E				
Yuma County:				
Yuma planning area	11/15/90	Nonattainment	11/15/90	Moderate.
Townships: T7S-R21W, R22W; T8S-R21W, R22W, R23W, R24W T9S-R21W, R22W, R23W, R24W, R25W; T10S-R21W, R22W, R23W, R24W, R25W				
Pinal and Gila Counties:				
Hayden/Miami planning area	11/15/90	Nonattainment	11/15/90	Moderate.
Townships: T4S, R16E T5S, R16E T6S, R16E plus the portion of Township T3S, R16E that does not lie on the San Carlos Indian Reservation, and the rectangle formed by, and including, Townships T1N, R13E T1N, R15E T6S, R13E T6S, R15E				
Gila County (part):				
Payson: T10N, Sections 1–3, 10–15, 22–27, and 34–36 of R9E; T11N, Sections 1–3, 10–15, 22–27, and 34–36 of R9E; T10–11N, R10E; T10N, Sections 4–9, 16–21, and 28–33 of R11E; T11N, Sections 4–9, 16–21, and 28–33 of R11E..	1/20/94	Nonattainment	1/20/94	Moderate.
Mohave County (part):				
Bullhead City: T21N, R20–21W, excluding Lake Mead National Recreation Area; T20N, R20–22W; T19N, R21–22W excluding Fort Mohave Indian Reservation..	1/20/94	Nonattainment	1/20/90	Moderate.
Rest of State	11/15/90	Unclassifiable.		

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[FR Doc. 96–11736 Filed 5–9–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180**[PP 9F3714/R2214; FRL–5354–1]****RIN 2070–AB78****Fenoxaprop-Ethyl; Extension of Study Due Date and Time-Limited Tolerances****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.**SUMMARY:** This rule extends the time-limited tolerances for fenoxaprop-ethyl from April 12, 1996 to November 1, 1997.

This time extension was requested by AgrEvo USA Company to coordinate a delay in initiation of a repeat oncogenicity study required to change the interim (time-limited) tolerances, required for the use of fenoxaprop-ethyl in the culture of wheat, to permanent tolerances. The original petitioner was Hoechst Celanese Corp. of North Somerville, NJ 08876. In 1994 Hoechst Celanese Corp. and NOR-AM Chemical formed a partnership Company, AgrEvo USA Company; and AgrEvo USA

Company became the registrant of fenoxaprop-ethyl pesticide products.

EFFECTIVE DATE: May 10, 1996.

ADDRESSES: Written objections and hearing requests, identified by the docket number [PP 9F3714/R2214] may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket 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 copies of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. 22202. Fees accompanying objections 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 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 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 9F3714/R2214]. 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: Joanne Miller (PM 23), Registration Division (7505C), Office of Pesticide Programs, U. S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 237, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (Telephone No. (703-305-6226), e-mail: miller.joanne@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Interim tolerances that expire April 12, 1996 were established for residues of fenoxaprop-ethyl on August 15, 1991. The petitioner, Hoechst Celanese Corp., agreed to submitting a repeat mouse

oncogenicity study within 4 years from the date of registration of fenoxaprop-ethyl pesticide products for use in the culture of wheat. The due date for the study data became April 12, 1996, 4 years and 8 months from the date of first registration of fenoxaprop-ethyl in the culture of wheat. The added 8 months were to allow adequate time for the Agency's review of the study. The initiation of the mouse oncogenicity study was delayed due to the Agency's requirement for a repeat range finding study. The time line for submitting the study was extended to November 1, 1996 to coordinate it with the time required for reviewing the range finding study. Considering the time required to review the study, the present action extends the time-limited tolerances to November 1, 1997. The time allotted for Agency review of the study is presently 12 months. There is no information and experience with the pesticide that indicate that this action would pose significant risk to public health.

A "Notice of Filing" a request to amend pesticide petition (PP) 9F3714 by proposing to amend 40 CFR 180.430 to extend the time-limited tolerances for residues of the herbicide Fenoxaprop-ethyl was published on in the Federal Register on April 3, 1996 (61 FR 14772-14773) (FRL-5358-4). There were no substantive responses to the notice. Only a typographical error was noted from the public. That error is corrected in the present Final rule.

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 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).

EPA has established a record for this rulemaking under docket number [PP 9F3714/R2214] (including any comments and data submitted electronically). 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 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 rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of 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 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, 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.

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: April 29, 1996.

Stephen L. Johnson,
Director, Registration Division, Office of
Pesticide Programs.

Therefore, 40 CFR, chapter I, 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 § 180.430 by revising paragraph (b) to read as follows:

§ 180.430 Fenoxaprop-ethyl; tolerances for residues.

* * * * *

(b) Time-limited tolerances, to expire November 1, 1997, are established for the combined residues of the herbicide fenoxaprop-ethyl [(±) ethyl 2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoate] and its metabolites [2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoic acid and 6-chloro-2,3-dihydrobenzoxazol-2-one], each expressed as fenoxaprop-ethyl, in or on the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat	0.05
Cattle, meat	0.05
Cattle, mbyop	0.05
Goats, fat	0.05
Goats, meat	0.05
Goats, mbyop	0.05
Hogs, fat	0.05
Hogs, meat	0.05
Hogs, mbyop	0.05
Horses, fat	0.05
Horses, meat	0.05
Horses, mbyop	0.05
Milk	0.02
Sheep, fat	0.05
Sheep, meat	0.05
Sheep, mbyop	0.05
Wheat, grain	0.05
Wheat, straw	0.05

[FR Doc. 96-11338 Filed 5-09-96; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 22 and 90

[WT Docket No. 96-18; PP Docket No. 93-253; FCC 96-183]

Future Development of Paging Systems and Implementation of Section 309(j) of the Communications Act; Competitive Bidding

AGENCY: Federal Communications Commission.

ACTION: Interim measure; modification.

SUMMARY: In this *First Report and Order* in WT Docket No. 96-18 and PP Docket No. 93-253, the Commission modifies the interim measures imposed in the *Notice of Proposed Rulemaking (NPRM)* in this docket. In the *NPRM*, the Commission addressed how paging applications should be treated during the pendency of this rulemaking, and imposed an across-the-board freeze on new applications for paging licenses with an exception for Common Carrier Paging (CCP) and Private Carrier Paging (PCP) licensees with nationwide exclusivity. The Commission is modifying the interim freeze imposed in the *NPRM* by allowing all incumbent paging licensees subject to the interim freeze to apply for additional transmission sites on the same channel, on a primary basis, within 65 kilometers (40 miles) of an operating transmission site. An application must be accompanied by a certification that the applicant is an incumbent paging licensee, and the proposed site is within 65 kilometers (40 miles) of an authorized transmission site that was licensed to the same applicant on the

same channel on or before February 8, 1996 and which is operational as of the date the application for the additional transmitter site is filed. All applications filed by CCP incumbent licensees and 929 MHz PCP incumbent licensees on exclusive channels will be put on Public Notice to allow for competing applications to be filed.

The Commission resumes processing all pending non-mutually exclusive applications that were filed by incumbents with the Commission on or before February 8, 1996. The February 8, 1996 freeze interrupted the 30 or 60 day filing window in some cases. Therefore, the Wireless Telecommunications Bureau will release a Public Notice with attached copies of the prior Public Notices containing the pending paging applications. All pending applications filed by incumbents on or before February 8, 1996 that were not on Public Notice for the required 30 or 60 days, will be deemed to continue to be on Public Notice for the remaining amount of time until the required 30 or 60 day window for filing competing applications expires.

The Commission's objective in modifying the interim freeze is to allow the incumbent paging licensees the flexibility needed to expand paging systems to continue to serve their customers and convert to flexible wide-area synchronous protocol technology during the interim period, while preventing an increase in telecommunications investment fraud.

EFFECTIVE DATE: May 10, 1996.

FOR FURTHER INFORMATION CONTACT: Mika Savir, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0620.

SUPPLEMENTARY INFORMATION: This *First Report and Order* in WT Docket No. 96-18 and PP Docket No. 93-253, adopted April 22, 1996, and released April 23, 1996, is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street N.W., Washington D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, N.W., Suite 140, Washington D.C. 20037, (202) 857-3800). Synopsis of *First Report and Order*:

I. Background

1. In this docket, the Commission is examining the paging regulations in light of the statutory objective of regulatory symmetry for all Commercial Mobile Radio Services (CMRS) established in the Omnibus Budget Reconciliation Act of 1993, Pub. L. No.