reclassification of nonattainment areas under section 188(b)(2) of the CAA do not in-and-of-themselves create any new requirements. Therefore, I certify that today's proposed action does not have a significant impact on small entities.

VI. Unfunded Mandates

Under sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, EPA must assess whether various actions undertaken in association with proposed or final regulations include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local or tribal governments in the aggregate.

EPA believes, as discussed earlier in section IV of this notice, that the proposed finding of failure to attain and reclassification of the Phoenix Planning Area are factual determinations based upon air quality considerations and must occur by operation of law and, hence, do not impose any federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter.

Authority: 42 U.S.C. 7401–7671q. Dated: May 25, 1995.

David P. Howekamp,

Acting Regional Administrator. [FR Doc. 95–13925 Filed 6–6–95; 8:45 am] BILLING CODE 6560–50–P

40 CFR Part 180

[PP 0F3885/R2142; FRL-4958-9]

RIN 2070-AC18

Burkholderia (Pseudomonas) Cepacia Type Wisconsin; Tolerance Exemption

AGENCY: Environmental Protection

Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that an exemption from the requirement of a tolerance be established for residues of the biological pesticide *Burkholderia* (*Pseudomonas*) cepacia type Wisconsin in or on all raw agricultural commodities, resulting from use on plant roots or seedling roots. EPA is proposing this regulation on its own initiative. The proposal would amend the existing tolerance exemption for this organism, which is limited to the seed treatment use.

DATES: Comments identified by the docket number, [PP 0F3885/R2142], must be received on or before July 7, 1995.

ADDRESSES: Submit written comments by mail 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: Public Docket, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures as 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. 1132 at the above address, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppdocket@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 in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 0F3885/R2142]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed 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: Denise Greenway, Biopesticides and Pollution Prevention Division (7501W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. CS51L6, Crystal Station #1, 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8263; e-mail: greenway.denise@epamail.epa.gov. SUPPLEMENTARY INFORMATION: In the Federal Register of April 3, 1991 (56 FR 13642), EPA issued a notice that Stine Microbial Products, 4722 Pflaum Rd.,

Madison, WI 53704, had submitted

pesticide petition (PP) 0F3885 to EPA

proposing to amend 40 CFR part 180 by establishing a regulation pursuant to the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a and 371), to exempt from the requirement of a tolerance the residues of the biological pesticide *Pseudomonas cepacia* type Wisconsin in or on all raw agricultural commodities when applied as a seed treatment for growing agricultural crops in accordance with good agricultural practices. There were no comments received in response to the notice.

In the **Federal Register** of December 23, 1992 (57 FR 61003), an exemption from the requirement of a tolerance was established for residues of the biological pesticide *Pseudomonas cepacia* type Wisconsin in or on all raw agricultural commodities when applied as a seed treatment for growing agricultural crops in accordance with good agricultural practices.

Stine Microbial Products has subsequently proposed a new use site, plant roots or seedling roots. Like the seed treatment use for which an exemption from the requirement of a tolerance now exists (40 CFR 180.1115), Pseudomonas cepacia type Wisconsin applied to plant roots or seedling roots will colonize the developing root system, and by producing antibiotics, protect the seedling or plant from a range of plant pathogenic fungi and nematodes. The Agency has determined that this presents no new hazard issues and that the following originally submitted data can support the registration for use as a soil, seed, or seedling treatment:

The organism is a naturally occurring biotype of the bacterial species Pseudomonas cepacia which is found world wide. The original isolates of Pseudomonas cepacia type Wisconsin were identified as colonizers of the roots and rhizospheres of maize. Further testing indicated that this biotype will colonize roots of many crop plants. Pseudomonas cepacia type Wisconsin has been shown to produce antibiotics which are effective against a diverse range of plant pathogenic fungi. Pseudomonas cepacia type Wisconsin is not generally regarded as a human or animal pathogen. Products containing this organism are intended to be used for formulating other end-use products or as a seed treatment (and the proposed plant root and seedling root use). When applied to seeds (or plant or seedling roots), the bacteria colonize the developing root system, and by producing antibiotics, protect the seedling from a range of plant pathogenic fungi and nematodes.

The data submitted in the petition and other relevant material have been