

Agency's preliminary determination that DEHA does not meet the toxicity criterion of EPCRA section 313(d)(2)(A) because it cannot reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.

EPA has preliminarily concluded that DEHA does not meet the criterion of EPCRA section 313(d)(2)(B) because it cannot reasonably be anticipated to cause teratogenic effects, immunotoxicity, neurotoxicity, or liver, kidney, reproductive, or developmental toxicity or other serious or irreversible chronic health effects. Furthermore, while EPA has classified DEHA as a Group C, possible human carcinogen, clear evidence of carcinogenicity was observed in only one species-sex group (mice-female) in the animal studies. EPA believes that there is a lack of clear evidence of possible carcinogenicity in male mice. Therefore, EPA believes that, overall, the evidence is too limited to establish that DEHA is likely to cause cancer. EPA believes that DEHA has low chronic toxicity and accordingly has considered exposure factors. As stated above, EPA has concluded that anticipated exposure concentrations of DEHA are not expected to result in significant adverse effects. Therefore, EPA has preliminarily concluded that DEHA does not meet the EPCRA section 313(d)(2)(B) listing criterion.

EPA has also preliminarily determined that DEHA does not meet the toxicity criterion of EPCRA section 313(d)(2)(C) because it cannot reasonably be anticipated to cause adverse effects on the environment of sufficient seriousness to warrant continued reporting.

Thus, in accordance with EPCRA section 313(d)(3), EPA is proposing to delete DEHA from the section 313 list of toxic chemicals.

V. Rulemaking Record

A record has been established for this proposed rule under docket number "OPPTS-400095" (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 confidential business information (CBI), is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:
ncic@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 all comments 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.

VI. References

- (1) USEPA, OPPT, EETD. Jenny Tou, "Chemistry Report on Di(2-ethylhexyl) Adipate," dated April 27, 1995.
- (2) USEPA, OPPT, CSRAD. Memorandum from Lorraine Randecker to Fred Metz, entitled "Petition to Delist Di(2-ethylhexyl) Adipate," dated May 22, 1995.
- (3) USEPA, OPPT, EETD. David Lynch, "Exposure Assessment for DEHA in Response to Delisting Petition," dated March 21, 1995.

VII. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Pursuant to the terms of this Executive Order, it has been determined that this proposed rule is not "significant" and therefore not subject to OMB review.

EPA estimates that the reduction in costs to industry associated with the deletion of DEHA would be approximately \$322,620. The costs savings to EPA are estimated at \$8,664, if DEHA is deleted from the EPCRA section 313 list.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities would be significantly affected by the rule. Because this proposed rule eliminates an existing requirement, it would result in cost savings to facilities, including small entities.

C. Paperwork Reduction Act

This proposed rule does not have any information collection requirements subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

D. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, EPA has assessed the effects of this regulatory action on State, local or tribal governments, and the private sector. This action does not result in the expenditure of \$100 million or more by any State, local or tribal governments, or by anyone in the private sector. The costs associated with this action are described in the Executive Order 12866 unit above.

List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community Right-to-Know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: July 24, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 372 is amended as follows:

1. The authority citation for part 372 would continue to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

§ 372.65 [Amended]

2. Sections 372.65(a) and (b) are amended by deleting the entry for Bis(2-ethylhexyl) adipate under paragraph (a) and the entire CAS number entry for 103-23-1 under paragraph (b).

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 1

[MM Docket No. 95-110; FCC 95-277]

Broadcast Services; Allocations; Automatic Stay

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: This Notice of Proposed Rule Making proposes to delete the automatic stay provision in Section 1.420(f) of the Commission's rules. That rule applies to proposals to amend the FM and TV Tables of Allotments and provides for