

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

b. In § 185.1580, by designating the existing text as paragraph (a) and by adding new paragraph (b), to read as follows:

**§ 185.1580 Deltamethrin.**

\* \* \* \* \*

(b) A food additive tolerance of 0.02 part per million is established for residues of the insecticide deltamethrin [(1*R*,3*R*)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid (*S*)-*alpha*-cyano-3-phenoxybenzyl ester] as follows:

(1) In or on all food items (other than those covered by a higher tolerance as a result of use on growing crops) resulting from use in food- handling establishments.

(2) The insecticide may be present as a residue from application of deltamethrin in food-handling establishments, including food service, manufacturing and processing establishments, such as restaurants, cafeterias, supermarkets, bakeries, breweries, dairies, meat slaughtering and packing plants, and canneries in accordance with the following prescribed conditions:

(i) Application shall be limited to a general surface and spot and/or crack and crevice treatment in food-handling establishments where food and food products are held, processed, prepared, and served. General surface application may be used only when facility is not in operation provided exposed food is covered or removed from area being treated. Spot and/or crack and crevice application may be used while the facility is in operation provided exposed food is covered or removed from area being treated prior to application. Spray concentration shall be limited to a maximum of 0.06 percent active ingredient. Contamination of food-contact surfaces shall be avoided.

(ii) To assure safe use of the pesticide, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency and shall be used in accordance with such label and labeling.

**PART 186—[AMENDED]**

2. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 348.

b. By adding new § 186.1580, to read as follows:

**§ 186.1580 Deltamethrin.**

(a) A feed additive tolerance of 0.02 part per million is established for residues of the insecticide deltamethrin [(1*R*,3*R*)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid (*S*)-*alpha*-cyano-3-phenoxybenzyl ester] as follows:

(1) In or on all feed items (other than those covered by a higher tolerance as a result of use on growing crops) resulting from use in feed- handling establishments.

(2) The insecticide may be present as a residue from application of deltamethrin in feed-handling establishments, including feed manufacturing and processing establishments in accordance with the following prescribed conditions:

(i) Application shall be limited to a general surface and spot and/or crack and crevice treatment in feed-handling establishments where feed and feed products are held, processed, prepared, and served. General surface application may be used only when facility is not in operation provided exposed food is covered or removed from area being treated. Spot and/or crack and crevice application may be used while the facility is in operation provided exposed feed is covered or removed from area being treated prior to application. Spray concentration shall be limited to a maximum of 0.06 percent active ingredient. Contamination of feed-contact surfaces shall be avoided.

(ii) To assure safe use of the pesticide, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency and shall be used in accordance with such label and labeling.

(b) [Reserved]

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**40 CFR Parts 261, 271, and 302**

[SWH-FRL-5336-3]

**Extension of Comment Period for the Proposed Identification and Listing of Hazardous Waste/Dye and Pigment Industries**

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA or Agency) again is extending the comment period for the proposed listing determination for the dyes and pigments industry, which appeared in the Federal Register

on December 22, 1994 (see 59 FR 66072-66114). The public comment period for this proposed rule was to end on November 30, 1995. The purpose of this notice is to extend again the comment period to end on December 15, 1995.

**DATES:** EPA will accept public comments on this proposed listing determination until December 15, 1995.

**ADDRESSES:** The public must send an original and two copies of their comments to EPA RCRA Docket Number F-94-DPLP-FFFFF, RCRA Information Center (5305W), U.S. EPA, 401 M Street, SW, Washington, DC. To hand-deliver comments, or to review docket materials, the address is U.S. EPA, Crystal Gateway, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The docket is open from 9 am to 4 pm, Monday through Friday, excluding Federal holidays. The public must make an appointment to review docket materials by calling (703) 603-9230. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at \$0.15 per page for additional copies.

**FOR FURTHER INFORMATION CONTACT:** For technical information concerning this notice, please contact Wanda Levine, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 260-7458.

**SUPPLEMENTARY INFORMATION:** This proposed rule was issued under Section 3001(b) of RCRA. EPA proposed to list certain wastes generated during the production of dyes and pigments because these wastes may pose a substantial present or potential risk to human health or the environment when improperly managed. See 59 FR 66072-114 (December 22, 1994) for a more detailed explanation of the proposed rule.

These proposed hazardous waste listings were based in part upon data claimed as confidential by certain dye and pigment manufacturers. Although EPA hopes to publish these data or information derived from these data to the extent relevant to the proposed listing, the Agency is unable to do so at the present time due in large part to the issuance of a preliminary injunction against EPA in *Magruder Color Co. v. EPA*, Civ. No. 94-5768 (D.N.J.). EPA is pursuing avenues to allow publication of the information and hopes to supplement the public record with and allow public comment on such information prior to issuance of a final listing. However, because EPA anticipates that its obligation to publish a final rule pursuant to a consent decree