

[FRL-5445-6]

Underground Injection Control Program Hazardous Waste Land Disposal Restrictions; Petition for Exemption—Class I Hazardous Waste Injection Well, American Ecology Environmental Services Corporation (AEESC)

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Decision on Exemption Modification.

SUMMARY: Notice is hereby given that a petition for modification to an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to AEESC, for the Class I injection wells located at the Winona, Texas facility. As required by 40 CFR Part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by AEESC of the specific restricted hazardous waste identified in the petition modification, into the Class I hazardous waste injection wells at the Winona, Texas facility specifically identified in the petition for as long as the basis for granting an approval of this petition remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued on May 17, 1995. The public comment period ended on July 7, 1995, was re-opened on August 10, 1995 and closed on September 8, 1995. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action is effective as of March 14, 1996.

ADDRESSES: Copies of the petition for modification and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Quality Protection Division, Source Water Protection Branch (6WQ-S), 1445 Ross Avenue, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Larry Wright, Chief, Ground Water/UIC Section, EPA—Region 6, telephone (214) 665-7165.

William B. Hathaway,
Director, Water Quality Protection Division.
[FR Doc. 96-7034 Filed 3-21-96; 8:45 am]

BILLING CODE 6565-50-P

[OPP-50816; FRL-5352-7]

Receipt of a Notification to Conduct Small-Scale Field Testing of a Genetically-Engineered Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received from American Cyanamid Company of New Jersey a notification (241-NMP-G) of intent to conduct small-scale field testing involving a baculovirus *Autographa californica* Multiple Nuclear Polyhedrosis Virus (AcMNPV) which has been genetically engineered to contain a gene which encodes for an insect-specific protein toxin from the venom of the scorpion *Androctonus australis*. American Cyanamid intends to test this microbial pesticide on cotton, tobacco, and leafy vegetables in 12 states. Target pests for these field trials include the cabbage looper (*Trichoplusia ni*) and the tobacco budworm (*Heliothis virescens*). The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting public comments on this application.

DATES: Written comments should be submitted to EPA by April 22, 1996.

ADDRESSES: Comments in triplicate, must bear the docket control number OPP-50816 and be submitted to: Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted in 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 docket number OPP-50816. No CBI should be submitted through e-mail. Electronic comments on this action may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under the SUPPLEMENTARY unit of this document.

FOR FURTHER INFORMATION CONTACT: Linda Hollis, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs,

Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 5th Floor, CS #1, 2805 Jefferson Davis Hwy., Arlington, VA, (703)308-8733; e-mail: hollis.linda@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: A notification of intent to conduct small-scale field testing pursuant to EPA's Statement of Policy entitled, "Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act," published in the Federal Register of June 26, 1986 (51 FR 23313), has been received from American Cyanamid Company of New Jersey (NMP No. 241-NMP-E). The proposed small-scale field trial involves the introduction of a genetically-engineered isolate of the baculovirus *Autographa californica* Multiple Nuclear Polyhedrosis Virus (AcMNPV). The strain to be tested (vEGTDEL-AaIT) has been genetically modified with approximately 1 kilobase internal deletion in the ecdysteroid UDP-glucosyltransferase gene and an inserted gene which encodes an insect-specific toxin protein from the venom of the scorpion *Androctonus australis*.

The purpose of the proposed testing will be to evaluate the efficacy of this genetically-altered AcMNPV (relative to the gene-deleted construct and a commercial *Bacillus thuringiensis* insecticide) against certain lepidopteran species (*Trichoplusia ni* (cabbage looper) and *Heliothis virescens* (tobacco budworm) on tobacco, cotton and leafy vegetables.

The proposed program consists of a total of 20 field trials to be conducted in spring 1996 thru fall 1996. Testing will occur in 12 states: Alabama, Arkansas, California, Florida, Georgia, Illinois, Louisiana, Mississippi, New Jersey, North Carolina, Texas, and Virginia. For each crop to be treated, the following number of trials and treatments are proposed: Leafy vegetables/6 trials, 5 total treatments; cotton/11 trials, 10 total treatments; and tobacco/3 trials, 6 total treatments. All sites will be located on secured research or commercial farmland with limited public access.

There will be a maximum of four plots per treatment and a maximum of six applications per treatment. The maximum size of a given treatment plot in each test will be 0.02 acres (4 rows wide x 75ft. long). The total acreage treated with the genetically modified construct will consist of 7.4 acres. The total amount of active ingredient to be used will be 98.25g.

Treated plots will be buffered on either side by an untreated row.

Alleyways (6') will be cut between replicates. Entire trials will be surrounded by a 10' crop-free buffer zone. Small-scale ground-based spray equipment will be used. Equipment will be cleaned with hypochlorite after applications with construct. Upon completion of the trials, crops will remain standing for at least 2 weeks to maximize the natural degradation of the remaining Polyhedral Inclusion Bodies (PIBs) before being shredded and interred into the soil.

Weekly monitoring of target insects and those non-target insects will take place within treated plots. Following review of American Cyanamid Company's application and any comments received in response to this notice, EPA will decide whether or not an experimental use permit is required.

EPA has established a record for this notice under docket number OPP-50816 (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 a.m. to 4:30 p.m., Monday through Friday, except 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 can be sent directly to EPA at:

opp-docket@epamail.epa.gov

The official record for this document, 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 record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the "ADDRESSES" unit at the beginning of this document.

List of Subjects

Environmental protection and Genetically-engineered microbial pesticides.

Dated: March 11, 1996.

Janet L. Andersen,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 96-7043 Filed 3-21-96; 8:45 am]

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40 CFR Parts 153 and 159

[OPP-250114; FRL-5354-2]

RIN No. 2070-AB50

Reporting Requirements for Risk/Benefit Information; Notification to the Secretary of Agriculture

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification to the Secretary of Agriculture.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of Agriculture a final regulation under section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The rule defines the obligations of pesticide registrants under section 6(a)(2) to report to the Agency information indicating their products may cause unreasonable adverse effects. This action is required by FIFRA section 25(a)(2).

FOR FURTHER INFORMATION CONTACT: By mail: James V. Roelofs, Policy and Special Projects Staff (7501C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington DC 20460. Office location and telephone number: Rm. 1113, CM #2, 1921 Jefferson Davis Highway, Arlington, VA., telephone: 703-308-2964, e-mail: roelofs.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Section 25(a)(2) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any final regulation at least 30 days before signing it for publication in the Federal Register. If the Secretary comments in writing regarding the final regulation within 15 days after receiving it, the Administrator shall issue for publication in the Federal Register, with the final regulation, the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within 15 days after receiving the final regulation, the Administrator may sign the regulation for publication in the Federal Register anytime thereafter.

Authority: 7 U.S.C. 136 et seq.

Dated: March 13, 1996.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 96-7042 Filed 3-21-96; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

[WT Docket 96-41; FCC 96-85]

Hearing Designation Order; Liberty Cable Co., Inc.

AGENCY: Federal Communications Commission.

ACTION: Notice of Hearing Designation Order and Notice of Opportunity for Hearing.

SUMMARY: Fifteen applications for operational fixed microwave service (OFS) facilities filed by Liberty Cable Co., Inc. (Liberty) are designated for hearing. The Commission has determined that substantial and material questions of fact exist as to whether Liberty possesses the requisite qualifications to be a Commission licensee.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Joseph Weber, Enforcement Division, Wireless Telecommunications Bureau, (202) 418-1317.

SUPPLEMENTARY INFORMATION: This is a summary of Hearing Designation Order and Notice of Opportunity for Hearing in WT Docket 96-41, adopted March 4, 1996, and released March 5, 1996.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, N.W., Washington, D.C. The complete text of this decision may also 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.

Summary of Hearing Designation Order and Notice of Opportunity for Hearing

The Commission has designated 15 OFS applications filed by Liberty for hearing. Liberty is a multichannel video programming distributor and provides video services to customers in New York City using OFS facilities. The Commission has learned that Liberty has been providing service to non-commonly owned buildings which Liberty has interconnected with hardware without a cable franchise. At the time Liberty was interconnecting these buildings, the Communications Act defined the interconnection of non-commonly owned buildings a operating a cable system. The Act requires in order to be a cable operator, a cable franchise must first be obtained. Because Liberty never obtained a cable franchise, Liberty is in apparent