List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Proposed Regulation

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A temporary § 165,T01–123, is added to read as follows:

§ 156.T01–123 Safety Zone; Grande Fiesta Italiana Fireworks, Hempstead Harbor, New York.

(a) *Location*. The safety zone includes the waters of Hempstead Harbor, shore to shore, within a 300 yard radius of a fireworks barge anchored approximately 300 yards north of Bar Beach, Port Washington, New York, at or near 40°49′52″N latitude 073°39′10″W longitude (NAD 1983).

(b) *Effective period*. This section is in effect from 9 p.m. until 10:15 p.m. on September 10, 1995, unless extended or terminated sooner by the Captain of the Port New York.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: August 1, 1995.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 95–19676 Filed 8–8–95; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 183

[CGD 95–041]

Propeller Accidents Involving Houseboats and Other Displacement Type Recreational Vessels

AGENCY: Coast Guard, DOT.

ACTION: Reopening of comment period.

SUMMARY: In a notice published May 11, 1995 (60 FR 25191), the Coast Guard solicited comments from all segments of the marine community and other interested persons on various aspects of propeller accident avoidance. The comment period closed July 10, 1995. In response to the notice, the Coast Guard received over 100 letters. Various parties including the National Association of State Boating Law Administrators (NASBLA) requested an extension of the comment period. This notice reopens and extends the comment period.

DATES: Comments must be received on or before November 7, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD95–041), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

FOR FURTHER INFORMATION CONTACT: Mr. Alston Colihan, Auxiliary, Boating, and Consumer Affairs Division, (202) 267–0981.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this request for comments by submitting written data, views or arguments. Persons submitting comments should include their names and addresses and identify this notice (CGD 95–041). Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclosed stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. All comments received after the close of the initial comment period and before the reopening of the comment period will also be considered.

Background Information

The Coast Guard solicits comments from all segments of the marine community and other interested persons on various aspects of propeller accident avoidance, including: (1) The economic and other impacts of establishing a requirement for propeller guards on recreational houseboats and other displacement vessels; (2) suggestions on alternatives to propeller guards which should also be considered; (3) recommendations on the applicability of regulations; and (4) the concerns of the recreational vessel livery and charter industries.

Persons submitting comments should do so as directed under Request for Comments above, and specify the area(s) of concern on which comments are being submitted, state what impacts may result from one or more alternatives identified, suggest other alternatives, and provide reasons to support the information provided on potential impact or suggested alternatives.

The Coast Guard will consider all relevant comments in determining what action may be necessary to address propeller accidents involving houseboats and other displacement-type recreational vessels.

Dated: August 2, 1995.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 95–19675 Filed 8–8–95; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 0E3875/P623; FRL–4967–7]

RIN 2070–AC18

Cyproconazole; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish a time-limited tolerance for the residues of the fungicide cyproconazole, (2*RS*,3*RS*)-2-(4-chlorophenyl)-3-cyclopropyl-1-(1*H*-1,2,4-triazole-1-yl)butan-2-ol, in or on the imported raw agricultural commodity coffee beans at 0.1 part per million (ppm). Sandoz Agro, Inc., petitioned pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA) for this regulation to establish a maximum permissible level for residues of the fungicide.

DATES: Comments, identified by the document control number [PP 0E3875/P623], must be received on or before September 8, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of the comments to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy.,

Arlington, VA 22202. Information submitted as a comment concerning this notice 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 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 may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, 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: 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. 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 0E3875/P623]. 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: Connie B. Welch, Product Manager (PM) 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305-6900; e-mail: welch.connie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA is proposing to establish an import tolerance for the residues of the fungicide cyproconazole, (2*RS*,3*RS*)-2-(4-chlorophenyl)-3-cyclopropyl-1-(1*H*-1,2,4-triazole-1-yl)butan-2-ol, in or on the raw agricultural commodity coffee beans at 0.1 part per million (ppm). The proposed regulation to establish a maximum permissible level of the fungicide pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, by amending 40 CFR part 180 to include this commodity was requested in a pesticide petition (PP 0E3875) submitted by Sandoz Agro, Inc., 1300 East Touhy Ave., Des Plaines, IL 60018. The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include the following:

1. A 90-day rat study, in which the levels tested in Han Wistar strain rats were 0, 20, 80, and 320 ppm (0, 1, 4, and 16 mg/kg). Cyproconazole inhibited body weight gain, increased blood sodium, increased liver weights, and produced histological changes in the liver at the high dose. Increased blood creatinine and decreased calcium levels were observed at the high and low dose, but not at the mid-dose. Effects were reversed after cessation of dosing and a 4-week recovery period. Since these changes were not observed after the recovery period they were considered treatment related. A NOEL for this study was therefore not attained, but the NOEL would be less than 1.0 mg/kg.

2. A 13-week feeding study in dogs treated at 0, 20, 100, and 500 ppm yielded a NOEL of 20 ppm (0.8 mg/kg/day) and an LEL of 100 ppm (4 mg/kg/day). At the high dose, treatment-related changes included slack muscle tone, depressed body weight gain, and decreases in bilirubin, total cholesterol, HDL-cholesterol, triglycerides, total protein, and albumin. There were increases in platelet counts, alkaline phosphatase, gamma glutamyl transferase, absolute and relative liver weights, relative kidney weights, and relative brain weights. Liver toxicity was indicated by hepatomegaly.

3. A 21-day dermal study, in which levels tested in New Zealand white rabbits were 50, 250, and 1,250 mg/kg. The NOEL was 250 mg/kg and the LEL was 1,250 mg/kg. Effects included depressed body weight gain and food consumption and increased levels of AST, creatinine, and cholesterol.

4. A 1-year dog study. When dogs were fed a diet containing cyproconazole at levels of 0, 30, 100, or 350 ppm for one year, a NOEL of 30 ppm (1.0 mg/kg/day) and an LEL of 100 ppm (3.2 mg/kg/day) were attained. Several clinical laboratory parameters indicated a difference between the control and treated animals which was consistent with liver effects. Laminal eosinophilic intrahepatocytic bodies were observed in all males and two females at the high dose, and in one male at the mid-level dose. These changes were thought to represent adaptive hypertrophy of the endoplasmic reticulum. Relative kidney weights were increased in low- and high-dose females; cytochrome P450 was significantly increased in males and females at 350 ppm and females at 100 ppm.

5. A mouse carcinogenicity study in which cyproconazole at levels of 0, 15, 100, or 200 ppm added to the diet of CD-1 mice for 81 weeks (males) and 88 weeks (females) resulted in a NOEL for systemic toxicity of 15 ppm (1.8 mg/kg for males and 2.6 mg/kg for females). The LEL was 100 ppm (13.2 mg/kg for males and 17.7 mg/kg for females) based on a significantly increased incidence of hepatic single cell necrosis and diffuse hepatocytic hypertrophy at the two highest levels. The effect was more severe in males than females. There was a decreased amount of testicular germinal epithelium in males at the high dose which corresponded to an increased incidence of flaccid testes. There was an increased incidence of liver adenomas and carcinomas in both sexes.

6. A rat chronic/carcinogenicity study in which cyproconazole fed to KFM Wistar (HAN Wistar origin) rats (males for 118 weeks, females for 121 weeks) at 0, 20, 50, or 350 ppm (males: 1.0, 2.2, and 15.6 mg/kg; females: 1.2, 2.7, and 21.8 mg/kg) resulted in slightly decreased body weights in the high-dose females and increased incidence of fatty infiltration of the liver in the high-dose males. The NOEL for systemic toxicity was 50 ppm. The LEL was 350 ppm. It was determined that the dose levels were inadequate for the assessment of the carcinogenic potential of cyproconazole in the rat. The HED Carcinogenicity Peer Review Committee recommended that this phase of the study be repeated. The committee classified cyproconazole as a quantitated Group B_2 carcinogen with a $Q1^*$ of 0.30 $(mg/kg/day)^{-1}$ based on the absence of an adequate carcinogenicity study in rats and the structural relationship of cyproconazole to closely related analogues shown to have carcinogenic activity.

7. A rat developmental toxicity study in which cyproconazole (95.6% purity) was administered as a suspension by gavage to sperm-positive Wistar/HAN female rats at dose levels of 0, 6, 12, 24, or 48 mg/kg on days 6 through 15 of gestation. The NOEL for maternal toxicity was 6 mg/kg, and the LEL was 12 mg/kg based on decreased body weight gain during dosing. The NOEL for developmental toxicity was 6 mg/kg. The LEL was 12 mg/kg based on the increased incidence of supernumerary ribs.

8. A chinchilla rabbit developmental toxicity study in which cyproconazole (95.6% purity) was administered by gavage to 16 Chinchilla rabbits on days 6 through 18 of gestation at 0, 2, 10, or

50 mg/kg. The NOEL for maternal toxicity was 10 mg/kg (equivocal). The LEL was 50 mg/kg based on decreased body weight gain during dosing. Developmental effects were also evaluated. Hydrocephalus internus was observed in 1 fetus at each treatment level. Therefore, the NOEL for developmental toxicity was set at less than 2 mg/kg, and the LEL was 2 mg/kg. The incidence was 0.85, 0.83, and 0.93 for the low-, mid-, and high-dose fetuses and 0.08 for the historical control.

9. A New Zealand white rabbit developmental toxicity study in which cyproconazole (94.8% purity) was administered by gavage to 18 inseminated New Zealand White rabbits once daily on days 6 through 18 of gestation at dose levels of 2, 10, or 50 mg/kg. The NOEL for maternal toxicity was 10 mg/kg, and the LEL was 50 mg/kg based on decreased body weight gain. There was also evidence of developmental toxicity. The NOEL for developmental toxicity was 2 mg/kg, and the LEL was 10 mg/kg based on the increased incidence of malformed fetuses and litters with malformed fetuses.

10. A rat two-generation reproduction study in which technical cyproconazole (95.6% purity) was administered to 26 male and 26 female F_0 and F_1 KFM-Wistar rats per group for 10 and 12 weeks, respectively, during the pre-mating period via the diet at 0, 4, 20, or 120 ppm. Treatment of males continued for 3 weeks after termination of mating and females were treated until necropsy (post-weaning). The systemic NOEL for parental toxicity was set at 20 ppm (1.7 mg/kg) based on liver effects at 10.6 mg/kg/day. For reproductive toxicity, the NOEL was set at 4 ppm (0.4 mg/kg) and the LEL at 20 ppm (1.7 mg/kg) based on increased gestation length in the F_0 dams and decreased F_1 litter sizes.

11. Several mutagenicity studies. Mutagenicity potential of cyproconazole was tested in several studies considered acceptable by the Agency. Since the results of two chromosomal aberration assays indicated the cyproconazole is clastogenic, additional mutagenicity data were requested to address an identified heritable risk concern. For the potential to induce chromosome aberrations in CHO cells, cyproconazole was positive under nonactivated and activated conditions, thus supporting the evidence that cyproconazole is clastogenic in this test system. Cyproconazole was negative in Salmonella, mouse micronucleus, and SHE/cell transformation assays. A dominant-lethal assay in rats was submitted and was negative. Based on this evidence, the concern for a possible heritable effect was not pursued.

12. Metabolism/pharmacokinetics studies. Cyproconazole was shown to be extensively metabolized in the rat. Unchanged cyproconazole and 13 metabolites were isolated and identified, and 35 metabolites were detected in the excreta. Excretion was relatively rapid with the majority of the radioactivity appearing in the feces as a result of biliary elimination. Residues were found in renal fat, adrenals, kidney and liver, although no significant tissue radioactivity was observed at 168 hours post-dose.

The reference dose (RfD) used in the dietary exposure analysis was 0.01 mg/kg bwt/day based on a NOEL of 30.0 ppm (1.00 mg/kg bwt/day) from a 1-year dog feeding study with an uncertainty factor of 100 that demonstrated hepatotoxicity and organ weight changes observed at 3.2 mg/kg/day. The theoretical maximum residue contribution (TMRC) for the general population is 0.000002 mg/kg/day and for females, 20 years old and older, the TMRC is 0.000003 mg/kg/day. The anticipated residue contributions (ARC) as percentages of the RfD are 0.018 and 0.028% for the general population and females 20 years old or older, respectively. The chronic analysis for cyproconazole is not a worst-case estimate of dietary exposure, with all residues at anticipated levels and 100% of the commodities assumed to be treated with cyproconazole. Based on the risk estimates calculated in this analysis, it appears that chronic dietary risk from the use recommended is not of concern.

The upper-bound cancer risk, based on a Q_1^* of 0.30 $(mg/kg/day)^{-1}$, was calculated to be 5.3×10^{-7}, contributed through the proposed use of cyproconazole in the production of imported coffee beans. The carcinogenic analysis demonstrates that, using the proposed anticipated residues and without percent crop treated information incorporated into the analysis, the use on coffee does not result in a risk estimate exceeding the Agency's value for negligible cancer risk of 10^{-6}.

The nature of the residue in coffee is not fully understood. A metabolism study in coffee, using triazole-labeled cyproconazole, was submitted and was acceptable. Cyproconazole per se was the primary component of the residue. A metabolism study in wheat is being conducted to determine the fate of the phenyl portion of cyproconazole in plants. Preliminary results of the study have been submitted. It is the Agency's conclusion that the results of this study will not significantly alter the risk evaluation for cyproconazole and, therefore, establishing a time-limited tolerance for coffee beans would not pose any significant dietary risk to the public during the timeframe involved in completing and reviewing the wheat metabolism data on this chemical.

Adequate analytical methodology is available for enforcement. However, additional data are required to demonstrate that residues of several other pesticides registered for use on coffee do not interfere with the method. Prior to publication in the Pesticide Analytical Manual, Vol. II, the enforcement methodology is being made available in the interim to anyone who is interested in pesticide enforcement when requested from: Calvin Furlow, Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1130A, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5937.

The pesticide is considered useful for the purpose for which the tolerance is sought. Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 will protect the public health. Therefore, the tolerances are established as set forth below. By way of public reminder, this notice also reiterates the registrant's responsibility under section 6(a)(2) of FIFRA, to submit additional factual information regarding adverse effects on the environment and to human health by these pesticides.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 0E3875/P623]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under docket number [PP

0E3875/P623] (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, 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 can 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 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.

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: July 27, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be 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. By adding new § 180.485, to read as follows:

§ 180.485 Cyproconazole; tolerances for residues.

A time-limited tolerance is established for the residues of the fungicide cyproconazole, (2*RS*,3*RS*)-2-(4-chlorophenyl)-3-cyclopropyl-1-(1*H*-1,2,4-triazole-1-yl)butan-2-ol, in or on the following imported raw agricultural commodity:

Commodity	Parts per million	Expiration date
Coffee beans[1]	0.1	July 1, 1997.

[1] There are no U.S. registrations as of August 9, 1995 for use on coffee beans.

[FR Doc. 95–19531 Filed 8–8–95; 8:45 am]

BILLING CODE 6560–50–F

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1051 and 1220

[Ex Parte No. 55 (Sub-No. 95)]

Petition for Rulemaking—Invoiceless Billing Transactions

AGENCY: Interstate Commerce Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Commission is issuing an advance notice of proposed rulemaking to examine restrictions against invoiceless billing between shippers and carriers. In this context, invoiceless billing means a system in which payments are made with no paper or electronic freight bill being issued by the carrier. Presently, Commission regulations require the issuance of freight bills by motor common carriers and require their retention for one year. This proceeding is instituted in response to a petition asking the Commission to modify the present regulations to allow consensual invoiceless billing between shippers, on the one hand, and motor common and contract carriers on the other. The Commission is asking for comments on this proposal and on whether consensual invoiceless billing should be authorized for other modes, including rail and water carriers. Following receipt of public comments, the Commission will decide whether any changes to the present rules may be warranted. If so, a notice of proposed rulemaking will be issued. Otherwise, the proceeding will be discontinued.

DATES: Any person interested in participating in this proceeding as a party of record may file comments by October 10, 1995.

ADDRESSES: Send an original and 10 copies of pleadings referring to Ex Parte No. 55 (Sub-No. 95) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201