

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 6, 1996.

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. Section 180.432, paragraph (b) is revised as follows:

§180.432 Lactofen; tolerances for residues.

* * * * *

(b) A time-limited tolerance, that expired December 31, 1995, is renewed

for 1 year and will now expire December 31, 1996, for residues of the herbicide lactofen, 1-(carboethoxy)ethyl-5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate, and its metabolites containing the diphenyl ether linkage in or on the following raw agricultural commodity:

| Commodity | Parts per million | Expiration date |
|------------------|-------------------|-------------------|
| Cottonseed | 0.05 | December 31, 1996 |

[FR Doc. 96-3020 Filed 2-13-96; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[OPP-300412; FRL-4995-3]

RIN 2070-AC18

Oxo-Alkyl Acetates; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that residues of a group of chemicals known as oxo-alkyl acetates [oxo-hexylacetate (CAS Reg. No. 88230-35-7), oxo-heptyl acetate (CAS Reg. No. 90438-79-2), oxo-octyl acetate (CAS Reg. No. 108419-32-5), oxo-nonyl acetate (CAS Reg. No. 108419-34-7), oxo-decyl acetate (CAS Reg. No. 108419-33-6), and oxo-tridecyl acetate (CAS Reg. No. 108419-35-8)] be exempted from the requirement of a tolerance when used as a solvent in pesticide formulations. This proposed regulation was requested by Exxon Chemical Co., Performance Products Group.

DATES: Comments, identified by the docket control number [OPP-300412], must be received on or before March 15, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. In person deliver comments to: Rm. 1132, Crystal Mall Building #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this document may be claimed confidential by marking any part of 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 will be included in the public docket by the EPA without prior notice. The public docket is 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, [OPP-300412]. No 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: Amelia M. Acierro, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 2800 Crystal Drive, North Tower, Arlington, VA, (703)-308-8375; e-mail: acierro.amelia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Exxon Chemical Co., Performance Products Group, Linden, NJ 07036, submitted pesticide petition (PP) 3E04267 to EPA

requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for oxo-alkyl acetates [oxo-hexyl acetate (CAS Reg. No. 88230-35-7), oxo-heptyl acetate (CAS Reg. No. 90438-79-2), oxo-octyl acetate (CAS Reg. No. 108419-32-5), oxo-nonyl acetate (CAS Reg. No. 108419-34-7), oxo-decyl acetate (CAS Reg. No. 108419-33-6), and oxo-tridecyl acetate (CAS Reg. No. 108419-35-8)] when used as solvents in pesticide formulations applied to growing crops only.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term “inert” is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the Federal Register of April 22, 1987 (52 FR 13305), the Agency set forth a list of studies which would generally be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. However, where it can be determined without that data that the inert ingredient will present minimal or no risk, the Agency

generally does not require some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an inert ingredient.

The data submitted for this petition are primarily for the oxo-octyl acetate and oxo-tridecyl acetate for which the Agency has decided are representative of the entire class of oxo-alkyl acetates having the general structure CH_3COOR where R is a branched alkyl group having carbon numbers in the range of C_6 through C_{14} and that no data, in addition to that described below will need to be submitted. The rationale for this decision is described below:

1. A subchronic oral toxicity study using oxo-octyl acetate in rats with a No Observed Effect Level (NOEL) of 100 mg/kg/day and a Lowest Effect Level (LEL) of 500 mg/kg/day based on increased liver weight in both sexes which indicate an overall low degree of systemic toxicity when administered orally to rats for 13 weeks.

2. A subchronic oral toxicity study using oxo-tridecyl acetate in rats with a NOEL of 100 mg/kg and a LEL of 500 mg/kg based on increased incidence of tubular nephropathy in the males and increased kidney and liver weights in both sexes indicating an overall low degree of systemic toxicity following subchronic oral administration of oxo-tridecyl acetate in rats.

3. The microbial mutagenesis study including *Salmonella* mammalian microsome plate incorporation assays showed no evidence that oxo-octyl acetate or oxo-tridecyl acetate produces any mutagenic effects at any dose tested, either with or without exogenous metabolic activation.

4. An *in vivo* mammalian bone marrow micronucleus assay oral gavage dosing method did not significantly increase the frequency of micronucleated polychromatic erythrocytes in mouse bone marrow at any dose of oxo-octyl acetate or oxo-tridecyl acetate (625, 1,250 or 2,500 mg/kg body weight) or sampling time (24, 48, and 72 hours post-treatment).

5. A developmental toxicity study with oxo-octyl acetate and oxo-tridecyl acetate in rats with the maternal systemic NOEL of 100 mg/kg/day and the maternal LOEL of 500 mg/kg based on decreased body weight and the developmental toxicity NOEL of 500 mg/kg/day and the developmental LOEL of 1,000 mg/kg based on increased incidence of various types of vertebral malformations.

6. An acute oral toxicity study with an acute oral LD_{50} of 5,000 mg/kg in rats indicating that oxo-octyl acetate or oxo-

tridecyl acetate has little or no potential for hazard to rats.

7. An acute oral toxicity study with an acute oral LD_{50} of greater than 2,250 mg/kg in bobwhite quail indicating that oxo-octyl acetate or oxo-tridecyl acetate has little or no potential for hazard to avian species.

8. A dietary study with LC_{50} of greater than 5,620 ppm in bobwhite quail indicating that oxo-octyl acetate or oxo-tridecyl acetate are practically nontoxic to avian species.

Based upon the above evaluation of the toxicological data which shows no evidence of mutagenicity (Ames Test), and no significant acute and subchronic or developmental toxicity of the branched alkyl acetates in this molecular weight range (C_8 - C_{13} alkyl acetates), the Agency concludes that this chemical poses no significant risks under the proposed conditions of use and that no further data are required.

Based upon the toxicological data evaluated above, the physico-chemical properties of oxo-alkyl acetates and information regarding their use, the Agency has found that, when used in accordance with good agricultural practice, these ingredients are useful and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

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 document in the Federal Register that this 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 docket control number, [OPP-300412]. 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 p.m., Monday through Friday, except legal holidays.

A record has been established for this proposal under docket number [OPP-300412] (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 proposal, 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 rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

The Office of Management and Budget has exempted this proposed rule from the requirements of section 3 of Executive Order 12866.

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, Recording and recordkeeping requirements.

Dated: January 31, 1996.
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. Section 180.1001(d) is amended by adding and alphabetically inserting the

following inert ingredients, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

(d) * * *

* * * * *

| Inert ingredients | Limits | Uses |
|---|--------|---------|
| Oxo-decyl acetate (CAS reg. No. 108419-33-6) | | Solvent |
| Oxo-heptyl acetate (CAS Reg. No. 90438-79-2) | | Solvent |
| Oxo-hexyl acetate (CAS Reg. No. 88230-35-7) | | Solvent |
| Oxo-nonyl acetate (CAS Reg. No. 108419-34-7) | | Solvent |
| Oxo-octyl acetate (CAS Reg. No. 108419-32-5) | | Solvent |
| Oxo-tridecyl acetate (CAS Reg. No. 108419-35-8) | | Solvent |

[FR Doc. 96-3018 Filed 2-13-96; 8:45 am]
BILLING CODE 6560-50-F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571 and 575

[Docket No. 96-09, Notice 01]

RIN 2127-AF81

Federal Motor Vehicle Safety Standards, Truck-Camper Loading; Consumer Information Regulations, Truck-Camper Loading

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to rescind Federal Motor Vehicle Safety Standard (Standard) No. 126, *Truck-camper loading*, and combine its provisions with 49 CFR 575.103, *Truck-camper loading*. This action is being proposed because a review of all of this agency's standards and regulations pursuant to the President's regulatory reinvention initiative led the agency to the tentative conclusion that combining these two rules into one will make their respective requirements easier to understand and apply.

DATE: Comments must be received on or before April 15, 1996.

ADDRESSES: Comments must refer to the docket number and notice number set forth above and be submitted, preferably in 10 copies, to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street SW, Room 5109, Washington, DC 20590. Docket hours are from 9:30 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For technical issues: Robert M. Clarke, Office of Vehicle Safety Standards,

National Highway Traffic Safety Administration, 400 Seventh Street, SW, Room 5307, Washington, DC 20590. Telephone (202) 366-5278, FAX (202) 366-4329. For legal issues: Walter Myers, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Room 5219, Washington, DC 20590. Telephone: (202) 366-2992; FAX (202) 366-3820.

SUPPLEMENTARY INFORMATION:

Background

Standard No. 126 was initially established by final rule published on August 15, 1972 (37 FR 16497) to provide information that can be used by consumers to reduce overloading and improper load distribution in truck-camper combinations. The standard requires manufacturers of slide-in campers to affix a label to each camper specifying, among other things, the maximum weight of the camper and its equipment. The standard also requires that the owner's manual for the camper contain a picture showing the location of the longitudinal center of gravity of the camper when properly loaded. When initially published, the standard also required manufacturers of trucks capable of accommodating slide-in campers to include in the truck operator's manual a picture showing the manufacturer's recommended longitudinal center of gravity for the cargo weight rating of the camper and a picture of the proper match of a truck and slide-in camper.

On the same day, August 15, 1972, NHTSA published a notice of proposed rulemaking (NPRM) proposing to require that slide-in campers be identified by a vehicle identification number "to facilitate any future defect notification and recall campaigns that might occur" (37 FR 16505).

In a notice published on December 14, 1972 (37 FR 26605), NHTSA adopted the requirement for a vehicle

identification number. In the same notice, in response to petitions for reconsideration of the final rule of August 15, 1972, which established Standard No. 126 (37 FR 16497), NHTSA withdrew the truck requirements from the standard and reissued them in 49 CFR 575.103, a consumer information regulation (37 FR 26607).

Pursuant to the March 4, 1994 directive entitled *Regulatory Reinvention Initiative* from the President to the heads of all Federal departments and agencies, NHTSA reviewed all its Federal motor vehicle safety standards and related regulations. As a result of that review, NHTSA identified several standards and regulations, or portions thereof, that it would propose to rescind or amend. The agency tentatively determined that the camper requirements of Standard No. 126 and the truck requirements of 49 CFR 575.103 should be combined into one regulation as before, but this time as a consumer information regulation rather than as a safety standard.

Agency Proposal

a. Truck Camper Loading

After reviewing the requirements for truck-camper loading, which involve labeling and certain information in the owner's manual, the agency has tentatively concluded that it serves no useful purpose to keep the camper requirements separate from the truck requirements in the CFR. The agency believes that it would be easier, more convenient, and more efficient for manufacturers, regulators, and the public to apply those provisions if they were combined rather than maintained as separate provisions in the CFR. Indeed, placing them together is appropriate since their subject matter is so closely related. Accordingly, the agency proposes to rescind Standard No. 126 and consolidate its requirements into 49 CFR 575.103.