

Collection of Information

This proposal contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under paragraph 2.B.2.e(34)(a) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. Revision of the testing procedures for lighting and fog signal equipment will have no effect on the environment. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 67

Continental shelf, Navigation (water), Reporting and recording requirements.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 67 as follows:

PART 67—AIDS TO NAVIGATION ON ARTIFICIAL ISLANDS AND FIXED STRUCTURES

1. The authority citation for part 67 continues to read as follows:

Authority: 14 U.S.C. 85, 633; 43 U.S.C. 1333; 49 CFR 1.46.

2. In subpart 67.05, § 67.05–30 is added to read as follows:

§ 67.05–30 Testing of obstruction lights.

Each obstruction light must be tested by an independent laboratory to ensure that it meets or exceeds the requirements in subparts 67.20, 67.25, and 67.30 of this part for the class of structure on which it is to be used. Information on the test procedure may be obtained from Commandant (G–NSR), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001.

3. Section 67.10–30 is revised to read as follows:

§ 67.10–20 Fog signal tests.

Each fog signal must be tested by an independent laboratory to ensure that it meets the required sound pressure levels in table A of this section.

Information on the test procedure may be obtained from Commandant (G–NSR), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001.

§ 67.10–25 [Removed]

4. Section 67.10.25 is removed.

Dated: March 15, 1996.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard, and
Waterway Services.

[FR Doc. 96–7332 Filed 3–26–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 4E4365 and 4E4376/P645; FRL–5348–1]

RIN 2070–AB18

Diquat; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish a tolerance for the plant growth regulator diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium] derived from application of the dibromide salt and calculated as the cation in or on the imported raw agricultural commodities bananas and coffee at 0.05 part per million (ppm). Zeneca, Inc., petitioned for this proposed regulation to establish a maximum permissible level for the residues of the plant growth regulator.

DATES: Comments identified by the docket number, (PP 4E4365 and 4E4376/P645), must be received on or before April 26, 1996.

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

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 4E4365 and 4E4376/P645). 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.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures as 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 EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the above address, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Product Manager (PM-23), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703)-305-6224; e-mail: miller.joanne@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Zeneca, Inc., P.O. Box 15458, Wilmington, DE 19850, has submitted pesticide petition (PP 4E4365 and 4E4376) to EPA. This petition requested that the Administrator, pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), establish a tolerance for residues of the plant growth regulator diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium derived from application of the dibromide salt and calculated as the cation in or on the raw agricultural commodity bananas at 0.02 ppm and coffee at 0.05 ppm. The petition for bananas was subsequently amended to raise the tolerance level to 0.05 ppm.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerances include the following:

1. A 2-year chronic toxicity/carcinogenicity study in rats resulted in a systemic lowest-observed-effect level (LOEL) of 2.91 mg/kg/day in males and 3.64 mg/kg/day in females (expressed as diquat cation), and a systemic no-observed effect level (NOEL) of 0.58 mg/

kg/day in males and 0.72 mg/kg/day in females (expressed as diquat cation).

2. A 1-year feeding study in dogs resulted in a systemic LOEL of 2.5 mg/kg/day and a systemic NOEL of 0.5 mg/kg/day in both sexes (expressed as diquat cation).

3. A 2-year feeding study in mice resulted in a systemic LOEL of 11.96 mg/kg/day in males and 16.03 mg/kg/day in females (expressed as diquat cation), and a systemic NOEL of 3.56 mg/kg/day in males and 4.78 mg/kg/day in females (expressed as diquat cation).

4. A developmental toxicity study in rats resulted in a maternal toxicity LOEL of 32 to 56 mg/kg/day and a maternal toxicity NOEL of 8 to 14 mg/kg/day (expressed as diquat cation), and a developmental toxicity LOEL of 32 to 56 mg/kg/day and a developmental toxicity NOEL of 8 to 14 mg/kg/day (expressed as diquat cation).

5. A developmental toxicity study in rabbits resulted in a maternal toxicity LOEL of 5.0 mg/kg/day and a maternal toxicity NOEL of 2.5 mg/kg/day (expressed as diquat cation). The developmental toxicity was not clearly established.

6. A recently submitted developmental toxicity study in rabbits resulted in a maternal toxicity LOEL of 3 mg/kg/day and a maternal toxicity NOEL of 1 mg/kg/day (expressed as diquat cation), and a developmental toxicity LOEL of 10 mg/kg/day and a developmental toxicity NOEL of 3 mg/kg/day (expressed as diquat cation).

7. A developmental toxicity study in mice resulted in a maternal toxicity LOEL of 2 mg/kg/day and a maternal toxicity NOEL of 1 mg/kg/day (expressed as diquat cation), and a developmental toxicity LOEL of 4 mg/kg/day and a developmental toxicity NOEL of 2 mg/kg/day (expressed as diquat cation).

8. A two-generation reproduction study on rats resulted in a systemic toxicity LOEL of 4 mg/kg/day and a systemic toxicity NOEL of 0.8 mg/kg/day (expressed as diquat cation), and a reproductive toxicity LOEL of 12 to 20 mg/kg/day and a reproductive toxicity NOEL of 4 mg/kg/day (expressed as diquat cation).

9. Diquat showed nonmutagenicity in one gene mutation test (Ames), two structural chromosome aberration tests (mouse micronucleus and dominant lethal in mice), and one test for other genotoxic effects (unscheduled DNA synthesis in rat hepatocytes *in vitro*). Positive results were seen in one gene mutation test (mouse lymphoma cell assay) and in one chromosome aberration test (human blood lymphocytes, depending on the

concentration of diquat and the presence of the metabolic activation system).

10. Metabolism studies showed about 90% of the administered dose being eliminated in feces, indicating that diquat was poorly absorbed from the gastrointestinal tract. Following a subcutaneous injection to circumvent the intestine, nearly all of the administered dose was recovered in the urine within 2 days.

The Office of Pesticide Program's Health Effects Division's Carcinogenicity Peer Review Committee (CPRC) has classified diquat as a Group E carcinogen (no evidence of carcinogenicity) under the Agency's *Guidelines for Carcinogen Risk Assessment*, published in the Federal Register of September 24, 1986 (51 FR 33992). In its evaluation, CPRC gave consideration to body weight changes in a 2-year feeding study in mice and histopathological changes in the eyes in a 2-year chronic feeding/carcinogenicity study in rats.

The Reference Dose (RfD) is established at 0.005 mg/kg/day, based on a NOEL of 0.5 mg/kg/day from the chronic toxicity study in dogs and an uncertainty factor of 100. The Anticipated Residue Concentration (ARC) from the current actions is estimated at 0.00074 mg/kg/day of body weight/day for the general population and utilizes 15% of the RfD for the U.S. population. The ARC for the most exposed subgroup is 0.0024 mg/kg/day of body weight/day for nonnursing infants (less than 1-year old) and utilizes 48% of the RfD. Therefore, no appreciable risk is expected from the chronic dietary intake since the RfD is not exceeded for either the general population or any subgroup.

The nature of the residue is adequately understood for the purposes of the tolerances. An adequate analytical method, extraction with sulfuric acid with spectrometric detection, is available for enforcement purposes. The analytical method for enforcing these tolerances have been published in the *Pesticide Analytical Manual, Vol. II (PAM II)*.

The pesticide is considered useful for the purposes for which it is sought, and the tolerances are capable of achieving the intended physical or technical effect. There are currently no actions pending against the registration of this chemical.

Based on the information and data considered, the Agency concludes that the proposed tolerances will protect the public health. Therefore, it is proposed that the tolerances 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 the ingredient listed herein, may request within 30 days after the 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 FFDA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 4E4365 and 4E4376/P645]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch at the above address from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this proposal under docket number (PP 4E4365 and 4E4376/P645) (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 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 proposed 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: March 20, 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. In § 180.226, by adding new paragraph (c) to read as follows:

§180.226 Diquat; tolerances for residues.

* * * * *

(c) Tolerances are established for the plant growth regulator diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium] derived from application of the dibromide salt and calculated as the cation in or on the following raw agricultural commodities:

Commodity	Parts per million
Bananas	0.05
Coffee	0.05

There are no U.S. registrations as of December 6, 1995.

[FR Doc. 96-7445 Filed 3-26-96; 8:45 am]
BILLING CODE 6560-50-F

40 CFR Part 180

RIN 2070-AB18

[OPP-300418; FRL-5355-6]

Oxidized Pine Lignin, Sodium Salt; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that oxidized pine lignin, sodium salt (CAS Reg. No. 68201-23-0) be exempted from the requirement of a tolerance when used as an inert ingredient (surfactant or adjuvant to surfactant) in pesticide formulations. This proposed regulation was requested by LignoTech USA, Inc.

DATES: Comments, identified by the docket control number [OPP-300418], must be received on or before April 26, 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, DC 20460. In person deliver comments to: Rm. 1128, Crystal Mall, Building #2, 1921 Jefferson Davis Highway, Arlington, VA.

ADDRESSES: The Agency invites any interested person who has concerns about the implementation of this action to submit written comments in triplicate to: By mail: Program Resources Section, Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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-300418." No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the SUPPLEMENTARY unit of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as 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 Virginia address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Amelia M. Acierto, 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 acierto.amelia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: LignoTech USA, Inc., 100 Highway 51 South, Rothschild, WI 54474-1998 submitted pesticide petition (PP) number 5E04471 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001 (c) and (e) by establishing an exemption from the requirement of a tolerance for oxidized lignin, sodium salt when used as a surfactant or adjuvant to surfactant in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest or to animals. 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