

government jurisdictions with populations less than 50,000.

This proposal would have minimal impact on small entities. Eliminating the USWMS would not affect small entities; the USWMS is a system run by the State governments. Replacing the crossing dayboards on the WRMS would only affect the Federal government. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposal would have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposal would economically affect it.

#### Collection of Information

This proposal contains no increase in 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 M164475.1B, this proposal is categorically excluded from further environmental documentation. Eliminating the USWMS and replacing the solid-color crossing dayboards in the WRMS would have no environmental implications. A Categorical Exclusion Determination is available in the rulemaking docket for inspection or copying where indicated under **ADDRESSES**.

#### List of Subjects

33 CFR Part 62

Navigation (water)

33 CFR Part 66

Intergovernmental relations, Navigation (water), Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Parts 62 and 66 as follows:

### PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

1. The authority citation for part 62 continues to read as follows:

Authority: 14 U.S.C. 85; 33 U.S.C. 1233; 43 U.S.C. 1333; 49 CFR 1.46.

#### § 62.45 [Amended]

2. In § 62.45, paragraph (d)(6) is revised to read as follows:

\* \* \* \* \*

(d) \* \* \*

(6) Information and Regulatory Marks, and mooring buoys, display white lights of various rhythms.

\* \* \* \* \*

#### § 62.51 [Amended]

3. In § 62.51, paragraph (b)(3) is revised to read as follows:

\* \* \* \* \*

(b) \* \* \*

(3) Diamond-shaped non-lateral dayboards, checkered red-and-white or green-and-white, similar to those used in the USATONS, as appropriate, are used as crossing dayboards where the river channel crosses from one bank to the other.

\* \* \* \* \*

### PART 66—PRIVATE AIDS TO NAVIGATION

4. The authority citation for part 66 continues to read as follows:

Authority: 14 U.S.C. 83, 85; 43 U.S.C. 1333; 49 CFR 1.46.

#### Subpart 66.10—[Removed]

5. Subpart 66.10 is removed.

Dated: March 21, 1996.

Rudy K. Peschel,

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

[FR Doc. 96-7333 Filed 3-26-96; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 67

[CGD 95-052]

RIN 2115-AF15

#### Testing of Obstruction Lights and Fog Signals on Offshore Facilities.

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In keeping with the National Performance Review, the Coast Guard proposes to amend its testing procedures for obstruction lights and fog signals on Outer Continental Shelf facilities. Presently, manufacturers of lighting equipment must forward an application to each of the ten Coast

Guard districts for approval. Fog signal equipment manufacturers must schedule and pay for Coast Guard representatives to observe their tests. This proposal would allow independent laboratories to conduct the tests using Coast Guard approved procedures. This would improve the quality control of the tests, reduce the administrative burden on the public, and minimize the cost to the Coast Guard.

**DATES:** Comments are requested by April 26, 1996.

**ADDRESSES:** Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 95-052), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG Chad Asplund, Short Range Aids to Navigation Division, (202) 267-1386.

#### SUPPLEMENTARY INFORMATION:

##### Requests for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 95-052) and the specific section of this proposal to which each comment applies, and give the reason for each comment. 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 enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comments period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and

place announced by a later notice in the Federal Register.

#### Regulatory History

On January 10, 1996, the Coast Guard published a notice requesting comments in the Federal Register (61 FR 708). Interested persons were given until February 12, 1996, to submit comments. The Coast Guard received six letters commenting on the questions raised in the notice. Five of the letters came from owners of offshore structures and one letter came from an independent laboratory.

The January 10, 1996, notice asked questions about whether (1) the flash characteristics of obstruction lights should be changed from a quick-flashing rhythm to a Morse "U", (2) the candlepower requirements on obstruction lighting should be adapted to the new transmissivity tables developed by the Coast Guard, and (3) lights and fog signals should be tested by independent laboratories rather than by the Coast Guard. The Coast Guard has determined that more time is needed to study issues (1) and (2) and may address them in a future rulemaking project. This rulemaking is limited to issue (3).

#### Background and Purpose

The existing 33 CFR 67.05-10 states that manufacturers of lights must have their equipment approved by the District Commander and a permit must be issued before the equipment can be distributed. Currently the manufacturer must apply to each Coast Guard district in which the lights are to be operated. This proposal would amend this provision to require that the tests be conducted by an independent laboratory in accordance with Coast Guard procedures. The manufacturer would then forward one application and the test results of the independent laboratory to Commandant (G-NSR), U.S. Coast Guard, 2100 2nd Street SW., Washington, DC, 20593, for review.

Under 33 CFR 67.10-20, manufacturers of fog signals must apply to the Coast Guard and schedule to have a Coast Guard representative observe the test procedure. The test must be completed using equipment supplied and calibrated by the Coast Guard. The manufacturer must also bear the cost of Coast Guard personnel and test equipment. This requirement would be changed to require independent laboratories to conduct fog signal tests in accordance with existing Coast Guard procedures.

The amendments would relieve the financial and administrative burden

from both the public and the government.

#### Discussion of Comments on Testing by Independent Laboratories

The comments were generally favorable towards this change. The consensus was that independent laboratory testing would improve quality and reduce the costs and administrative burden associated with inspection. However, one company commented that the existing procedures are adequate. In light of the favorable response to the testing issue, the Coast Guard is pursuing this change in this rulemaking project.

#### Discussion of Proposed Rules

(1) Proposed § 67.05-30 would be added to require testing of lights by independent laboratories. One sample of each product model would be tested. Once approved, the manufacturer and model numbers would be placed on a Coast Guard approved list which would be made available to the public. Information regarding testing procedures may be obtained from Commandant (G-NSR), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

(2) Existing § 67.10 would be amended to require testing of fog signals by independent laboratories. This procedure would be similar to that used for lights. One sample of each product model would be tested. Once approved, the manufacturer and model numbers would be placed on a Coast Guard approved list which would be made available to the public. Information regarding testing procedures may be obtained from Commandant (G-NSR), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

(3) Section 67.10-25, Application for tests, would be removed because of the proposed changes to § 67.10-20.

#### Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11010; February 26, 1979).

The Coast Guard expects the economic impact of this proposal to be minimal enough that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The cost of testing each model of light by an independent

laboratory is approximately \$500.00 per test. This is an initial cost to the manufacturer and will only apply to the production sample tested. Once the sample passes the tests, its manufacturer and model numbers are placed on the approved list. Many manufacturers of lighting equipment are already using independent laboratories to conduct tests, and, therefore, would not incur additional costs.

The cost for testing fog signal equipment will be greatly reduced. Presently, the manufacturer has to bear all expenses of conducting the test including all expenses of the U.S. Government in sending a Coast Guard representative to the test. The expense to the manufacturer for Coast Guard personnel to observe a test is approximately \$2,000.00. By having an independent laboratory conduct the test without Coast Guard representatives, manufacturers would save a minimum of \$2,000.00. Manufacturers would submit one production sample to an independent laboratory for testing. Once the sample passes the tests, its manufacturer and model numbers are placed on an approved list. Manufacturers will see a significant savings by having independent laboratories conduct tests.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations less than 50,000.

Small entities would not be affected by this proposal. The manufacturers of lighting and fog signal equipment are large corporations. If anything, small entities would benefit from this proposal by creating jobs for small independent laboratories. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposal will have a significant economic impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this proposal will economically effect it.

### 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]

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## 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/