

submitted with the notification, along with a guarantee that the equipment will be offered to all affected operators for less than the incremental life cycle cost ceiling. EPA notes that the program requirement, applicable to operators choosing to comply with program 1, to reduce PM levels by at least 25 percent when these engines are rebuilt or replaced, has already been triggered by Englehard Corporation with certification of their catalytic-converter muffler (CCM).¹ Nevertheless, EPA plans to review available information and comments related to the cost of the DDC upgrade kit and, if appropriate, to certify the DDC upgrade kit on the basis of being available to all affected operators for less than the life-cycle cost ceiling of \$2,000 (1992 dollars). Any equipment certified as meeting both the emission and cost requirements can be considered by EPA when updating the post-rebuild PM levels used by transit operators choosing to comply with program 2.²

The candidate equipment upgrades older engines to a configuration virtually identical to a later model year configuration. All components of the candidate equipment are contained in two basic types of kits. One of each basic type of kit is required for the rebuild of an engine. Three combinations of the two basic types of kits are relevant to certification—the specific combination to be used with a particular engine depends upon engine rotation direction, orientation of the engine block and, cam gear mounting technique. One basic type of kit includes a gasket kit, cylinder kit, and fuel injectors. The other basic type of kit includes camshafts, blower assembly, turbocharger, and head assemblies. The components in the latter kit are remanufactured components.

To determine particulate matter (PM) reduction of the candidate equipment under the urban bus retrofit/rebuild program, DDC presents exhaust emission data that were developed for the relevant engine configuration in EPA's new engine certification program. EPA believes use of existing new engine certification data is appropriate as discussed in the preamble to the final rule for the urban bus program at 58 FR 21378 (April 21, 1993). The data show a 31 percent reduction in PM emissions between the baseline engine configuration and the upgraded engine configuration. Consistent with the requirements associated with new engine certification, the test data indicate that the emissions of

hydrocarbon (HC), carbon monoxide (CO), and oxides of nitrogen (NO_x) for the candidate equipment are less than applicable standards. Fuel consumption is increased approximately 5 percent with the candidate equipment installed. DDC presents smoke emission measurements for the engine which indicate compliance with applicable standards.

DDC states that the candidate equipment will be offered to all affected operators for less than a life cycle cost of \$2,000 (1992 dollars), and has submitted life cycle cost information. DDC presents cost data indicating that the cost of a standard rebuild, if the parts were purchased separately, is \$6,966.27. The cost of the candidate equipment is less than this amount, indicating that the candidate equipment has a negative incremental purchase price. DDC presents data showing that the fuel consumption increase results in a \$1440 life-cycle fuel penalty. DDC states there is no incremental installation cost or maintenance cost compared to the currently available standard rebuild.

Certification of the candidate DDC equipment would affect operators as follows. EPA has previously certified equipment which triggered the requirement to use equipment certified to reduce PM by at least 25 percent if these engines are rebuilt or replaced after December 1, 1995. Therefore, under Program 1, operators who rebuild or replace 1988–90 model year DDC 6V92TA DDEC II engines are currently required to use equipment certified to provide at least a 25 percent reduction in PM.³ If the candidate DDC kit is certified to reduce PM by at least 25 percent, then its use under program 1 will meet this requirement. This requirement will continue for the applicable engines until such time that equipment is certified to trigger the 0.10 g/bhp-hr emission standard for less than a life cycle cost of \$7,940 (in 1992 dollars). If the Agency certifies the candidate DDC equipment, then operators who choose to comply with Program 2 and install this equipment, will use the PM emission level(s) established during the certification review process, in their calculations for target or fleet level as specified in the program regulations. DDC projects a post-rebuild PM level of 0.23 g/bhp-hr with the equipment installed on model year 1988 through 1990 6V92TA DDEC II engines. (This discussion concerns the use of *certified* equipment to meet

program requirements; it does not apply to the use of components which are not part of a *certified* package.)

At a minimum, EPA expects to evaluate this notification of intent to certify, and other materials submitted as applicable, to determine whether there is adequate demonstration of compliance with: (1) the certification requirements of § 85.1406, including whether the testing accurately substantiates the claimed emission reduction or emission levels; and, (2) the requirements of § 85.1407 for a notification of intent to certify, including whether the data provided by DDC complies with the life cycle cost requirements.

The Agency requests that those commenting also consider these regulatory requirements, plus provide comments on any experience or knowledge concerning: (a) problems with installing, maintaining, and/or using the candidate equipment on applicable engines; and, (b) whether the equipment is compatible with affected vehicles.

The date of this notice initiates a 45-day period during which the Agency will accept written comments relevant to whether or not the equipment described in the DDC notification of intent to certify should be certified pursuant to the urban bus retrofit/rebuild regulations. Interested parties are encouraged to review the notification of intent to certify and provide comment during the 45-day period. Please send separate copies of your comments to each of the above two addresses.

The Agency will review this notification of intent to certify, along with comments received from interested parties, and attempt to resolve or clarify issues as necessary. During the review process, the Agency may add additional documents to the docket as a result of the review process. These documents will also be available for public review and comment within the 45 day period.

Dated: April 3, 1996.
Mary D. Nichols,
Assistant Administrator.
[FR Doc. 96-9466 Filed 4-16-96; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 180

[PP 0E3821/P649; FRL-5356-6]

RIN 2070-AB18

Sodium Salt of Acifluorfen; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

¹ 60 FR 28402, May 31, 1995.

² See 40 CFR § 85.1403 (c)(1).

³ The Englehard CCM certification triggered program requirements for, among others, the 1988–90 model year DDC 6V92TA DDEC II engine.

ACTION: Proposed Rule.

SUMMARY: EPA proposes to establish a tolerance for combined residues of the herbicide sodium salt of acifluorfen (also referred to in this document as acifluorfen) in or on the raw agricultural commodity strawberry. The proposed regulation to establish a maximum permissible level for residues of the herbicide was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number [PP 0E3821/P649], must be received on or before May 17, 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, bring comments to: Rm. 1132 CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Comments and data may also be submitted to OPP 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 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 0E3821/P649]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the "SUPPLEMENTARY INFORMATION" section 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 "Confidential Business Information" (CBI). CBI should not be submitted through e-mail. Information marked as CBI 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 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, 703-308-8783.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 0E3821 to EPA on behalf of the Agricultural Experiment Stations of Alabama, Arkansas, California, Connecticut, Florida, Indiana, Maryland, Michigan, New York, North Carolina, Oklahoma, Oregon, Tennessee, Virginia, and Washington. This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)) propose the establishment of a tolerance for combined residues of the sodium salt of acifluorfen (sodium 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoic acid) and its metabolites (the corresponding acid, methyl ester and amino analogues) in or on the raw agricultural commodity strawberry at 0.05 part per million (ppm).

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:

1. A 2-year feeding study in dogs fed diets containing 0, 50, 300, or 1,800 ppm with a no-observed-effect-level (NOEL) of 50 ppm (equivalent to 1.25 mg/kg/day). Blood coagulation was observed in test animals at the 300 ppm dose level.

2. A 2-generation reproduction study in rats fed diets containing 0, 25, 500 or 2,500 ppm with no adverse effect on adult reproductive performance observed under the conditions of the study. The NOEL was established at 25 ppm (equivalent to 1.25 mg/kg of body weight/day) based on decreased viability and increased incidence of kidney lesions in high dose offspring.

3. A developmental toxicity study in rabbits given oral gavage doses of 0, 3, 12, or 36 mg/kg/day with no developmental toxicity observed at any of the dose levels tested.

4. A developmental toxicity study in rats given oral gavage doses of 0, 20, 90, or 180 mg/kg/day with a NOEL for developmental toxicity (reduced mean fetal weight) of 20 mg/kg/day. The NOEL for maternal toxicity was established at 90 mg/kg/day based on

reduced body weight at the highest dose tested.

5. A 2-year carcinogenicity study in rats fed diets containing 0, 25, 150, 500, 2,500, or 5,000 ppm with a NOEL of 500 ppm (equivalent to 25 mg/kg/day). The lowest-observed-effect level was established at 2,500 ppm (equivalent to 125 mg/kg/day) based on increased liver enzyme changes in male and female rats and renal changes (nephritis) in male rats.

6. Acifluorfen produced positive results for gene mutation in a mitotic recombination assay in yeast cells and a dominant lethal assay in fruit fly. The chemical was negative in a structural chromosome aberration test in bone marrow cells and an unscheduled DNA synthesis test in rat hepatocytes.

7. A metabolism study in mice shows that acifluorfen is excreted primarily as the parent compound within 4 days of ingestion.

8. An 18-month carcinogenicity study in B6C3F1 mice fed diets containing 0, 625, 1,250, or 2,500 ppm with statistically significant positive trends for liver tumors (adenomas, carcinomas, and adenomas/carcinomas combined) and stomach tumors (papillomas) in both male and in female mice. These tumor types were significantly increased at the highest dose level tested (2,500 ppm) in male and female mice, and liver tumors were also significantly increased at the lowest dose level tested (625 ppm) in male mice.

9. A 2-year carcinogenicity study in CD-1 mice fed diets containing 0, 7.5, 45, or 270 ppm with a statistically significant increase in the total number of liver tumors (primarily adenomas) in high dose (270 ppm) female mice. No significant increase in liver tumors were observed in male mice at any feeding level tested. The highest dose tested (270 ppm) did not approximate a maximum tolerated dose in male and female mice.

Based on a weight-of-evidence determination, OPP's Health Effects Division, Carcinogenicity Peer Review Committee (CPRC) has classified acifluorfen as Group B2 carcinogen (probable human carcinogen). This decision, which is in accordance with proposed Agency guidelines published in the Federal Register of November 23, 1984 (49 FR 46294), was based primarily on evidence of an increased number of malignant, or combined benign and malignant, liver tumors in multiple experiments involving two different strains of mice. Acifluorfen also produced uncommon stomach tumors in male and female B6C3F1 mice. Other structurally related diethyl-ether pesticides have been shown to

produce liver tumors in mice. In addition, mutagenicity studies show evidence of mutagenic activity, but not in mammalian cell systems.

The upper-bound carcinogenic risk from dietary exposure to acifluorfen was calculated using a potency factor (Q*) of 0.107 (mg/kg/day)⁻¹ and dietary exposure as estimated by the Anticipated Residue Contribution (ARC) for existing tolerances and the proposed tolerance for strawberry. The upper-bound carcinogenic risk from established and proposed uses is calculated at 5.6 × 10⁻⁷. The proposed use on strawberry accounts for 1.9 × 10⁻⁸ of the total cancer risk, which is a negligible increase in risk.

The RfD for acifluorfen is established at 0.013 mg/kg of body weight/day, based on a NOEL of 1.25 mg/kg body weight/day and an uncertainty factor of 100. The NOEL is taken from the 2-generation rat reproduction study in which decreased survival and increased incidence of kidney lesions were observed in the offspring of rats fed higher dose levels. The ARC for the overall U.S. population from established tolerances and the proposed use on strawberry utilizes less than 1 percent of the RfD. In addition, less than 1 percent of the RfD is utilized for all population subgroups for which EPA has dietary consumption data. EPA generally has no cause for concern for exposures below 100 percent of the RfD.

The nature of the residue is adequately understood for the purpose of the proposed tolerance and an adequate analytical method, gas chromatography, is available for enforcement purposes. An analytical method for enforcing this tolerance has been published in the *Pesticide Analytical Manual* (PAM), Vol. II. No secondary residues in meat, milk, poultry, or eggs are expected since strawberry are not considered a livestock feed commodity. There are presently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the 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 notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in

accordance with section 408(e) of the FFDCA.

A record has been established for this rulemaking under docket number [PP 0E3821/P649] (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 Virginia address in "ADDRESSES" at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 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: April 3, 1996.

Susan Lewis,

Acting 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 § 180.383, the table is amended by adding alphabetically the commodity strawberry, to read as follows:

§ 180.383 Sodium salt of acifluorfen; tolerances for residues.

* * *

Commodities	Parts per million
* * *	*
Strawberry	0.05

[FR Doc. 96-9471 Filed 4-16-96; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 5F4469/P650; FRL-5357-5]

RIN 2070-AB18

Prosulfuron; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).