

these exceedances disappear when more realistic exposure data are obtained. Nonetheless, EPA is usually unwilling to establish new uses and the concomitant tolerances for pesticides where exposure exceeds the RfD. EPA has approved additional uses of some pesticides when the total exposure from all uses appears to exceed the RfD, provided the additional uses result in insignificant exposure. EPA believes such actions are appropriate given its experience showing that many risk estimates substantially overstate risk when tolerance level residues are used to estimate dietary exposure. As noted above, there are other factors which strongly indicate EPA's estimate of exposure to 2,4-D is overstated, including the assumption that 2,4-D is used on 100 percent of several commodities and the available data that report nondetectable residues of 2,4-D in soybeans. Establishment of a tolerance for preplant soybean use of 2,4-D is additionally justified by the potentially large benefits accruing from this use.

Because residue studies have not been submitted which are geographically representative of the total U.S. soybean production area, residue studies from several additional soybean-producing States will be required as a condition for registration of the proposed use. In addition, EPA requires data depicting the total terminal residue of carbon-14 labeled 2,4-D in three dissimilar crops, and ruminants and poultry to complete an evaluation of the metabolism of 2,4-D in plants and animals. The metabolism studies, which are required in association with the reregistration of 2,4-D, are due to be submitted to the Agency in 1992. In the interim, for purposes of this tolerance, the regulated residues are 2,4-dichlorophenoxyacetic acid for plants and 2,4-dichlorophenoxyacetic acid and 2,4-dichlorophenol for animal commodities. The registrant has been notified that additional data requirements such as livestock feeding studies, analytical methods, storage stability, and residue studies may be required, pending the outcome of EPA's evaluation of the 2,4-D plant and animal metabolism studies.

EPA is limiting the period of time that the proposed tolerance for 2,4-D on soybeans is to be in effect due to the requirements for additional residue chemistry and carcinogenicity studies. Limiting the time period of the tolerance will require the proponents of a permanent tolerance for this use of 2,4-D to demonstrate that the additional data support such a decision. The Agency concludes that residues of 2,4-D in the human diet from the proposed use are

unlikely to pose a significant incremental risk, pending the submission of the required studies and a reassessment of 2,4-D food and feed tolerances.

An adequate analytical method, gas-liquid chromatography, is available for enforcement purposes. Because of the long lead time from establishing this tolerance to publication of the enforcement methodology in the Pesticide Analytical Manual (PAM), Vol. II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested by mail from: Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1128C, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, 703-305-5232.

Any secondary residues occurring in meat, milk, poultry, or eggs from the feeding of processed soybean byproducts to livestock will be covered by existing tolerances for these commodities. A restriction against the grazing of treated fields and the feeding of treated soybean forage, hay, and fodder to livestock will be imposed on the registration. There are currently no actions pending against the continued registration of this chemical.

Based on the above information, the Agency concludes that the tolerance established by amending 40 CFR 180.142 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 document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 406(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 4E3060/P544]. 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.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

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

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

Dated: May 19, 1992.

Anne E. Lindsay,  
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 § 180.142, by adding new paragraph (k), to read as follows:

§ 180.142 2,4-D; tolerances for residues.

(k) A tolerance that expires on December 1995 is established for residues of the herbicide 2,4-D (2,4-dichlorophenoxyacetic acid) resulting from the preplant use of 2,4-D ester or amine in or on the raw agricultural commodity as follows:

| Commodity | Parts per million |
|-----------|-------------------|
| Soybeans  | 0.1               |

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40 CFR Part 799

[OPPTS-42002M; FRL-4055-9]

Fluoroalkenes; Proposed Withdrawal of Test Requirement

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to rescind the requirement in the fluoroalkenes final rule issued under the authority of the Toxic Substances Control Act (TSCA) for mouse specific locus (MSL) testing of vinyl fluoride (VF; CAS No. 72-02-5), vinylidene fluoride (VDF; CAS No. 75-38-7), hexafluoropropene (HFP; CAS No. 116-15-4), and tetrafluoroethene (TFE; CAS No. 116-14-3). EPA's proposed decision is based on the analysis of scientific data submitted by the testing sponsors of these substances which demonstrated that VF, VDF, HFP, and TFE are unlikely to elicit gene mutation effects in humans.

**DATES:** Submit written comments on or before July 27, 1992.

**ADDRESS:** Submit written comments, identified by the document control number (OPPTS-42002M), in triplicate to: TSCA Public Docket Office (TS-793), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. NE-G004, 401 M St., SW., Washington, DC, 20460.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** EPA is proposing to rescind its requirement under section 4(a) of TSCA for MSL testing of VF, VDF, TFE, and HFP.

**I. Introduction**

EPA promulgated a final test rule for fluoroalkenes (FAs; 52 FR 21516, June 8, 1987) under TSCA section 4(a)(1)(A) to include tiered mutagenicity testing of VF. This testing was the sex-linked recessive lethal (SLRL) test in *Drosophila*, where a positive result would lead to a MSL assay; and the dominant lethal test in rodents, where a positive result would lead to a heritable translocation assay. VF was also required to be tested for oncogenicity by inhalation in both rats and mice (final reports due July 22, 1992). Three other fluoroalkenes, VDF, TFE, and HFP were also required to be tested for mutagenicity.

**II. Results from Required Testing**

Under the FAs test rule, the test leading to MSL testing, the *Drosophila* SLRL test, was performed for VF and was positive. However, this was not an automatic trigger to MSL testing. The FAs test rule provided for a public review of the *Drosophila* data, with opportunity for public comment on EPA's assessment of the weight of the

evidence, before proceeding with MSL testing. The only other fluoroalkene for which *Drosophila* SLRL testing was necessary was VDF, which was negative in this test. Furthermore, both HFP and TFE were negative in the somatic cells in culture assay (which was an automatic trigger (if positive) to *Drosophila* SLRL testing). Therefore, *Drosophila* SLRL testing and MSL testing were not required for them.

A public program review was held on July 19, 1989, with E. I. du Pont de Nemours Company, Inc. (DuPont), the test sponsor, as a participant. At this meeting, DuPont presented evidence that two other assays, the unscheduled DNA synthesis (UDS) and alkaline elution (AE) assays in rat testicular cells, are better correlates than the *Drosophila* SLRL test to the MSL assay. In light of this evidence, EPA agreed, conditioned on protocol approval and subsequent review of the study results by EPA, to allow DuPont to perform both of these tests, and, if both were negative, to re-review the available data. The UDS and AE assays have been performed, and EPA has completed its review. Both the UDS and AE assays were negative. Furthermore, the dominant lethal assay was also negative (the dominant lethal assay, an *in vivo* test, is used primarily to evaluate cytogenetic effects, but does have some relevance to gene mutation effects as well). EPA believes the weight of these three negative studies in mammals contraindicates performing MSL testing for VF, despite the positive *Drosophila* SLRL test. Therefore, EPA is proposing to rescind the MSL testing requirement that was triggered for VF, and to concurrently withdraw the requirement for MSL testing for VDF, HFP, and TFE.

**III. Rulemaking record**

EPA has established a record for this rulemaking (docket number OPPTS-42002M). This record includes:

(1) Federal Register notices pertaining to this rule, consisting of:

(a) Notice of the Agency's Proposed Decision to Adopt a Negotiated Testing Program on Fluoroalkenes (49 FR 23112, June 4, 1984).

(b) Notice of the Agency's Proposed Rulemaking on Fluoroalkenes (50 FR 46133, November 6, 1985).

(c) Notice of the Agency's Final Rulemaking on Fluoroalkenes (52 FR 21516, June 8, 1987).

(2) Transcript of Proceedings of the Public Meeting of July 19, 1989, on Fluoroalkenes.

(3) Reports—published and unpublished factual materials, including mutagenicity protocols and testing results on VF.

(4) Communications consisting of:

- (a) Written letters.
- (b) Memoranda.

**List of Subjects in 40 CFR Part 799**

Chemicals, Environmental Protection. Hazardous substances, Laboratories, Reporting and recordkeeping requirements, Testing.

Dated: May 31 1992.

Linda J. Fisher,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I, part 799 is proposed to be amended as follows:

**PART 799—[AMENDED]**

1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

**§ 799.1700 [Amended]**

2. In § 799.1700, by removing paragraph (c)(1)(i)(C).

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**FEDERAL MARITIME COMMISSION**

46 CFR Parts 515, 560, and 572

[Docket No. 92-33]

**Marine Terminal Facilities Agreements—Exemption**

AGENCY: Federal Maritime Commission.

ACTION: Proposed Rule.

**SUMMARY:** The Federal Maritime Commission (Commission) proposes to amend its regulations to exempt marine terminal facilities agreements among marine terminal operators and between marine terminal operators and common carriers by water from the agreement filing requirements of the Shipping Act, 1916, the Shipping Act of 1984, and the Commission's regulations, on condition that certain agreement information be filed in marine terminal operator's tariffs and that terminal operators make copies of such agreements available to requesting parties. This proposed exemption would relieve the industry of the administrative burden and associated costs of filing marine terminal facilities agreements with the Commission.

**DATES:** Comments due July 10, 1992. Comments must be received at the Commission by the due date; the date of mailing will not be accepted as the date of filing in this proceeding.