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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 251-1]

INERT INGREDIENTS IN PESTICIDE FORMULATIONS

Proposed Exemptions From Requirement of Tolerance

The Administrator of the Environmental Protection Agency has received requests to exempt additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act. Based on a review of the history of use and available information on the chemistry and toxicity of these substances, the Administrator finds that these substances are useful as adjuvants and, when used in accordance with good agricultural practice, will not result in a hazard to the public health.

Therefore, pursuant to provisions of the act (sec. 408(c), (e), 68 Stat. 512, 514 (21 U.S.C. 348a(c) (e))), it is proposed that § 180.1001 be amended by inserting new items in paragraphs (c) and (e) as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

(c) * * *

Inert ingredients	Limits	Uses
Ascorbyl palmitate.....	Preservative.
Ethyl alcohol.....	Solvent, cosolvent.
Ethylene methylphenylglycidate.....	Synthetic flavoring.
Glyceryl monostearate.....	Emulsifier.
Graphite.....	Solid diluent, carrier.
Hexane.....	Solvent.
Isopropyl alcohol.....	Solvent, cosolvent, stabilizer, inhibitor.
Lactic acid.....	Solvent.
Manganous oxide.....	Solid diluent, carrier.
Methyl alcohol.....	Solvent.
Methylated silicones.....	Antifoaming agent.
Rhodamine B.....	Dye.
Shellac, bleached, refined, food grade, arsenic and rosin-free.....	Cooling agent.
Sodium alginate.....	Stabilizer.
Tartrazine.....	Dye.
Zinc oxide.....	Coating agent.
Zinc sulfate (basic and monohydrate).....	Do.

(e) * * *

Inert ingredients	Limits	Uses
Ascorbyl palmitate.....	Preservative.
Calcium sulfate.....	Solid diluent, carrier.
Glyceryl monostearate.....	Emulsifier.
Graphite.....	Solid diluent, carrier.
Lactic acid.....	Solvent.
Manganous oxide.....	Solid diluent, carrier.
Sodium alginate.....	Stabilizer.
Sodium N-oleoyl-N-methyl taurine.....	Not more than 1 percent of pesticide formulation.	Surfactant.
Zinc oxide.....	Solid diluent, carrier.
Zinc sulfate (basic and monohydrate).....	Do.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before September 16, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before September 16, 1974 and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: August 8, 1974.

JOHN B. RITCH, Jr.,

Director, Registration Division.

[FR Doc.74-18708 Filed 8-15-74; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

ADJUSTMENTS TO BASE PERIOD USE, SHIFTING OF ENTITLEMENTS AMONG GASOLINE OUTLETS, AND DISTRIBUTION OF SURPLUS PRODUCT

Notice of Proposed Rulemaking

The Federal Energy Administration hereby gives notice of a proposal to make

Louis, Missouri manufacturing plant which appears certain to delay the build-out of 1974 Corvettes beyond the August 31, 1974 termination of the 115-inch wheelbase exception. General Motors explains that some vehicle parts and materials committed for the production of the 1974 Corvettes are not susceptible to modification to meet the impending pendulum requirements, and would have to be scrapped if the requested extension is not granted. Such scrappage would involve the loss of some scarce materials such as polyvinyl chloride and other petrochemicals.

The NHTSA has tentatively concluded that the requested brief extension should be granted, as it does not appear that such a delay in the application of the pendulum requirements would have a materially adverse effect on motor vehicle safety. The agency is also concerned over the possible wasting of materials which are currently in short supply.

In consideration of the foregoing it is proposed that S5.2.2 be amended as follows:

§ 571.215 Standard No. 215; Exterior Protection.

S5.2.2 The fixed collision barrier impact requirements of S5.2 shall apply, but the pendulum impact requirements of S5.2 shall not apply to each vehicle manufactured from September 1, 1973 to October 31, 1974, that has a wheelbase of 115 inches or less and that either—

- (a) Has a convertible top;
- (b) Has no roof support structure between the A-pillar and the rear roof support structure; or
- (c) Has no designated seating position behind the front designated seating positions.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date.

Comment closing date. August 27, 1974.

Proposed effective date. September 1, 1974.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, (16 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51 and 501.8)

Issued on August 14, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

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certain amendments concerning adjustments to base period uses, including changed circumstances, the shifting of allocation entitlements among gasoline retail outlets, and the distribution of surplus product. These amendments are intended to achieve a proper balance between the statutory objective of preserving the 1972 pattern of distribution of petroleum products and the objective of minimizing distortions to the economy.

Section 211.13, *Adjustments to Base Period Volumes*, provides five methods whereby the distribution pattern of 1972, reestablished by the FEA in order to protect the market share of the independent sector of the petroleum industry, may be adjusted to reflect the more significant changes in consumption and distribution which have occurred since 1972. The five types of adjustments are as follows: (1) Suppliers of wholesale purchasers which experienced unusual growth between 1972 and 1973 must automatically adjust the base period volumes of such wholesale purchasers to reflect that unusual growth; (2) a wholesale purchaser which has two or more base period suppliers, none of which has records indicating sufficient growth to warrant the automatic adjustment by suppliers, may apply for the unusual growth adjustment; (3) an adjustment is available to correct possible imbalances between first and second priority consumers arising from either of the two adjustments mentioned above; (4) consumers entitled to an allocation level of one-hundred percent of current requirements who are subject to an allocation fraction may certify their increased requirements to their suppliers, who in turn certify such increases up the distribution system; and finally, (5) if a wholesale purchaser or end-user has experienced changed circumstances, rather than merely normal growth, FEA may upon application grant an adjustment to its base period use reflecting the change.

These five adjustments reflect FEA's desire to retain the 1972 distribution system as the basis for allocation, while providing the flexibility necessary to accommodate extraordinary growth or significant economic changes since that time. While these adjustments have generally served this purpose well, FEA has become aware of several problems with the administration of them and is therefore proposing several amendments to remedy these situations.

First, the adjustment which corrects imbalances due to other adjustments, § 211.13(b) (2), is overly complex; yet FEA does not believe it can be simplified. Few applications for relief under this provision have been received, and FEA does not believe the adjustment warrants the administrative burden involved in making such adjustments. FEA, therefore, proposes to eliminate this adjustment and would renumber the present § 211.13(b) (3) as § 211.13(b) (2).

Second, the FEA regional offices have received and granted adjustments to base period volumes for changed circumstances in larger numbers than was an-

ticipated for this adjustment, which was intended to be available only in extraordinary situations. The effect of these adjustments has been to inflate the supply obligations of suppliers and thereby unnecessarily lower their allocation fractions. This has meant that suppliers have not reached allocations fractions in excess of one as rapidly as would otherwise have been the case and thus have less excess product for distribution under the relaxed procedures governing the disposition of such excess product.

Furthermore, it is also assumed that the granting of changed circumstances adjustments has tended to distort the proportional market shares of branded and non-branded independents from what was in effect in 1972. Generally, the larger refiners have been more able to take advantage of the adjustment for their owned and operated stations, as well as for their branded independent stations, than have the non-branded independent dealers.

Finally, whereas the adjustments provided in § 211.13(b) (1) and (b) (3) are based upon historical supply data, and compensate purchasers adequately for unusual growth between 1972 and 1973, many of the adjustments sought under § 211.13(c) are speculative in nature, as they are based upon the potential for increased sales and consumption. For this reason, FEA has encountered great difficulty in devising adequate criteria for use in making such adjustments. Because of all these problems, on July 17, 1974, FEA Regional Administrators were directed to suspend consideration of requests for changed circumstances except in extraordinary cases pending a complete review of this matter.

Having now completed that review of the changed circumstances adjustment, it is our conclusion that § 211.13(c) should be deleted in its entirety. If this proposal is adopted, however, the FEA regional offices would be delegated authority to take initial action on petitions for exceptions from wholesale purchasers and end-users seeking additional adjustments to their base period uses. FEA believes that in this period of increased supplies this proposed change will result in more product being distributed under the relaxed provisions governing the disposition of product when allocation fractions exceed one (1.0). Therefore, purchasers which have substantially changed requirements from those in 1972 will in most cases be able to satisfy their needs by purchasing the surplus product available under the provisions of § 211.10 (g).

FEA realizes that in proposing the elimination of the changed circumstances adjustments several other steps may be appropriate. First, it has been proposed that § 211.10(g) (5) be amended to redress any possible distortion in the relative market shares of independents in 1972 caused by the changes circumstances adjustment. Section 211.10(g) in its present form provides for allocation of surplus product when a supplier's fraction is greater than one (1.0) to

branded and non-branded independent resellers and to retail sales outlets which are owned and operated by a supplier in the proportion that the shares of those categories of purchasers' base period volumes, as adjusted, are to the base period volumes of all purchasers, as adjusted. The proposed amendment would change the proportional share test to one based on base period volumes, prior to any adjustment, rather than after adjustments and thereby better maintain the respective 1972 market shares.

FEA also realizes that elimination of the changed circumstances adjustment could affect the distributor's flexibility in the marketing of gasoline. Therefore, § 211.106(b) (3) (ii) might also be amended to allow a supplier greater flexibility to shift allocation entitlements between and among the retail sales outlets it owns and operates. The present limitation on such shifting to a 20 percent increase or decrease in the allocation entitlements of any given station would be raised to 30 percent. The proposed amendment would also remove the present restriction which limits such shifts to retail outlets served by a common terminal.

Also, to correct an inconsistency in the present regulations, it is proposed that § 211.10(f) (2) be amended to provide that it does not apply to retail sales outlets of gasoline which are owned and operated by a supplier. Without this amendment, such suppliers could disregard the provisions of § 211.106 respecting distribution to retail sales outlets of gasoline by underlifting from the stations which they own and operate. These suppliers would still benefit from the proposed amendment to § 211.106 which allows greater flexibility in the distribution of product among their own outlets.

As required by section 7(c) (2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments to offer in this regard.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments with respect to the proposed guidelines and amendments set forth in the notice to the Executive Secretariat, Federal Energy Administration, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Administration Executive Secretariat with the designation "Amendments Concerning Adjustments to Base Period Uses." Fifteen copies should be submitted. All comments received by August 30, 1974, and all other relevant information will be considered by the Federal Energy Administration before final action is taken.