expiration of this interim approval, EPA must promulgate, administer and enforce a federal operating permit program for the Virgin Islands upon interim approval expiration.

2. Program for Delegation of Section 112 Standards as Promulgated

The requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by the EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, an expeditious compliance schedule, and adequate enforcement ability, which are also requirements under part 70. In a letter dated May 30, 1995, VIDPNR requested delegation through 112(l) of all existing 112 standards and all future 112 standards for both part 70 and non-part 70 sources and infrastructure programs. In the letter, VIDPNR demonstrated that they have sufficient legal authorities, adequate resources, the capability for automatic delegation of future standards, and adequate enforcement ability for implementation of section 112 of the Act for both part 70 sources and non-part 70 sources. Therefore, the EPA is also promulgating approval under section 112(l)(5) and 40 CFR 63.91 to Virgin Islands for its program mechanism for receiving delegation of all existing and future section 112(d) standards for both part 70 and non-part 70 sources, and section 112 infrastructure programs that are unchanged from Federal rules as promulgated.

III. Administrative Requirements

A. Docket

Copies of the State's submittal and other information relied upon for the final interim approval are contained in the docket maintained at the EPA Regional Offices in New York and Puerto Rico and at VIDPNR. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final interim approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in annual estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under Section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 of the Unfunded Mandates Act requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated today does not include a Federal mandate that may result in annual estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a ''major rule'' as defined by section 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: July 16, 1996.

Jeanne M. Fox,

Regional Administrator.

40 CFR part 70 is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by adding the entry for Virgin Islands in alphabetical order to read as follows:

Appendix A to part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Virgin Islands

(a) The Virgin Islands Department of Natural Resources submitted an operating permits program on November 18, 1993 with supplements through June 9, 1995; interim approval effective on August 30, 1996.

(b) (Reserved)

* * * * * *

[FR Doc. 96–19440 Filed 7–30–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[PP 2F4137/R2259; FRL–5387–2]

RIN 2070–AB78

Cyfluthrin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This document establishes time-limited tolerances with an expiration date of November 15, 1997, for residues of the insecticide cyfluthrin, a synthetic pyrethroid, in or on the raw agricultural commodities (RAC's) sorghum, fodder, forage and grain; aspirated grain fractions; the fat of cattle, goats, horses, hogs, and sheep; and milkfat. The regulation to establish a maximum permissible level for residues of the insecticide cyfluthrin was requested in a petition submitted by Bayer Corporation.

EFFECTIVE DATE: This regulation becomes effective July 31, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 2F4137/R2259], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any

objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted 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 copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov

Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [PP 2F4137/R2259] . No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this 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 notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (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 address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 13, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Rm. 204, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703) 305–6100.

SUPPLEMENTARY INFORMATION: EPA issued a public notice, published in the Federal Register of December 30, 1992 (57 FR 62334), which announced that Bayer Corp. (formerly Miles, Inc.) had submitted pesticide petition (PP) 2F4137 to EPA. Pesticide petition (PP) 2F4137 requests that the Administrator, pursuant to sections 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d) and 348(b), amend 40 CFR 180.436 by establishing tolerances for residues of the insecticide cyfluthrin, [cyano[4-fluoro-3-phenoxyphenyl]-methyl-3-[2,2-dicloroethenyl]-2,2-dimethylcyclopropanecarboxylate] in or on the raw agricultural commodities (RACs) sorghum, forage at 2.0 parts per million (ppm); sorghum, grain at 4.00 ppm; sorghum, fodder, silage and hay at 5.00 ppm.

In a letter dated October 16, 1995, Bayer Corp. (61 FR 26904, May 29, 1996) requested that the pesticide petition (2F4137) be amended by increasing the existing tolerances in or on the fat of cattle, goats, hogs, horses and sheep to 5.00 ppm; milkfat to 15.00 ppm (reflecting 0.50 ppm in whole milk) and establishing a tolerance for aspriated grain fraction at 300 ppm. This amendment also addressed EPA's preference for the sorghum, fodder, silage and hay tolerances to be expressed in terms of sorghum, fodder. There were no comments or requests to the advisory committee received in response to the initial and amended notices of filing.

The data base for cyfluthrin is essentially complete. Data lacking but desirable are a new 21–day subchronic dermal study, an acute neurotoxicity study in rats, a 90–day neurotoxicity study in rats, and a dermal sensitization study on the end-use product, Baythroid 2. Although these data are lacking, the Agency believes it has sufficient toxicity data to support the proposed tolerance and these missing data will not significantly change its risk assessment. In a letter dated November 2, 1995, Bayer Corp. has committed to submit the 21–day subchronic dermal study by June 1996, the acute neurotoxicity study by December 1996 and the 90–day neurotoxicity study by May 1997. On October 12, 1995, Bayer Corp submitted to the Agency a dermal sensitization study on Baythroid 2. On July 11, 1996, Bayer Corporation submitted a 21–day subchronic dermal study on Baythroid 2 to the Agency.

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicology data submitted in support of the tolerance include:

1. A 12–month chronic feeding study in dogs with a no-observed-effect level (NOEL) of 4 mg/kg/day. The lowest effect level (LEL) for this study is established at 16 mg/kg/day, based on slight ataxia, increased vomiting, diarrhea and decreased body weight.

2. A 24–month chronic feeding/carcinogenicity study in rats with a NOEL of 2.5 mg/kg/day and LEL of 6.2 mg/kg/day, based on decreased body weights in males, decreased food consumption in males, and inflammatory foci in the kidneys in females. There were no carcinogenic effects observed under the conditions of the study.

3. A 24–month carcinogenicity study in mice. There were no carcinogenic effects observed under the conditions of the study.

4. An oral developmental toxicity study in rats with a maternal and fetal NOEL of 10 mg/kg/day (highest dose tested). An oral developmental toxicity study in rabbits with a maternal NOEL of 20 mg/kg/day and a maternal LEL of 60 mg/kg/day, based on decreased body weight gain and decreased food consumption during the dosing period. A fetal NOEL of 20 mg/kg/day and a fetal LEL of 60 mg/kg/day were also observed in this study. The LEL was based on increased resorptions and increased postimplantation loss.

5. A developmental toxicity study in rats by the inhalation route of administration with a maternal NOEL of 0.0011 mg/l and a LEL of 0.0047 mg/l, based on reduced mobility, dyspnea, piloerection, ungroomed coats and eye irritation. The fetal NOEL is 0.00059 mg/l and the fetal LEL is 0.0011 mg/l, based on sternal anomalies and increased incidence of runts. A second developmental toxicity study in rats by the inhalation route of administration is currently under review. The issue of whether cyfluthrin directly induces fetotoxicity under these conditions is unresolved at this time.

6. A three-generation reproduction study in rats with a systemic NOEL of 2.5 mg/kg/day and a systemic LEL of 7.5 mg/kg/day due to decreased parent and pup body weights. The reproductive NOEL and LEL are 7.5 mg/kg/day and 22.5 mg/kg/day respectively.

7. Mutagenicity tests, including several gene mutation assays (reverse mutation and recombination assays in bacteria and a Chinese hamster ovary(CHO)/HGPRT assay); a structural chromosome aberration assay (CHO/

sister chromatid exchange assay); and an unscheduled DNA synthesis assay in rat hepatocytes. All tests were negative for genotoxicity.

8. A metabolism study in rats showing that cyfluthrin is rapidly absorbed and excreted, mostly as conjugated metabolites in the urine, within 48 hours. An enterohepatic circulation was observed.

A chronic dietary exposure/risk assessment was performed for cyfluthrin using a Reference Dose (RfD) of 0.025 mg/kg bwt/day, based on a NOEL of 50 ppm (2.5 mg/kg bwt/day) and an uncertainty factor of 100. The NOEL was determined in a 2–year rat feeding study. The endpoint effects of concern were decreased body weights in males and inflammation of the kidneys in females at the LEL of 6.2 mg/kg/day. For purposes of this dietary exposure/risk assessment tolerance level residues were used and percent crop treated assumption made for some of the commodities. The current estimated dietary exposure for the overall U.S. population resulting from established tolerances is 0.001221 mg/kg/bwt day, which represents 4.8 percent of the RfD. The current action will increase exposure to 0.009420 mg/kg/bwt/day or 37.6 percent of the RfD. The current estimated dietary exposure for the subgroup population exposed to the highest risk, non-nursing infants less than 1 year old, is 0.002081 mg/kg bwt/day, which represents 8.3 percent of the RfD. The current action will increase exposure to 0.025266 mg/kg bwt/day or 101 percent of the RfD. Although the estimate of dietary exposure for the subgroup, non-nursing infants less than 1 year old, is slightly higher than the Agency's level of concern, i.e., greater than 100 percent of the RfD, the Agency believes that actual exposure and risk would be lower. The basis for this is that the risk reflects a higher than actual dietary exposure because it assumes that 100 percent of the U.S. sorghum crop is treated with cyfluthrin and that all quantities of the feed consumed will bear residue levels as high as the proposed tolerance. In reality, the Agency knows that all sorghum will not be treated with this pesticide and that actual levels on meat and milk will be lower than tolerance levels. In addition the food commodity that contributes the most to this slight risk exceedence is milk at 88.2 percent of the RfD; 71.2 percent from milk fat and 17 percent from whole milk and milk sugars. Metabolism data indicates that most of the cyfluthrin will concentrate in milk fat and very little in the other components, whole milk and milk sugar. Thus the 17 percent contribution is an overestimate of actual exposure. Thus, EPA concludes that the chronic dietary risk of cyfluthrin, as estimated by the dietary risk assessment, does not appear to be of concern.

Because there was a sign of developmental effects seen in animal studies, the Agency used the rabbit developmental toxicity study with a maternal NOEL of 20 mg/kg/day to assess acute dietary exposure and determine a margin of exposure (MOE) for the overall U.S. population and certain subgroups. Since the toxicological end-point pertains to developmental toxicity, the population group of concern for this analysis is women aged 13 and above, the subgroup which most closely approximates women of child-bearing age. The MOE is calculated as the ratio of the NOEL to the exposure. For this analysis the Agency calculated the MOE for women ages 13 and above to be 2,500. Generally speaking, MOE's greater than 100 for data derived from animal studies are regarded as showing no appreciable risk.

The metabolism of cyfluthrin in plants and livestock for this use is adequately understood. The residues of concern is cyfluthrin per se. Current established tolerances for cyfluthrin in poultry meat, fat and meat-by-products are adequate. An adequate analytical method, gas-liquid chromatography, is available for enforcement purposes. The enforcement methodology has been submitted to the Food and Drug Administration for publication in the Pesticide Analytical Manual Vol. II (PAM II). Because of the long lead time for publication of the method in PAM II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from: Calvin Furlow, Public Response and Program Resources Branch, Field Operations Divisions (7506C), Office of Pesticide Programs, Environmental Protection Agency 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305–5232.

On August 5, 1988, EPA issued a conditional registration and time-limited tolerance for cyfluthrin for use on cottonseed with an expiration date of October 31, 1991 (see the Federal Register of August 15 ,1988 (53 FR 30676)). On November 12, 1992, the conditional registration was amended and extended to November 15, 1993 and the tolerance on cottonseed extended to November 15, 1994 (see Federal Registers October 20, 1993 (58 FR 54094) and February 22, 1994 (54 FR 9411)). On November 15, 1993, EPA amended the conditional registration on cottonseed by extending the expiration date to November 15, 1996 and extending the time-limited tolerance to November 15, 1997. The conditional registration was amended and extended to allow time for submission and evaluation of additional environmental effects data. In order to evaluate the effects of cyfluthrin on fish and aquatic organisms and its fate in the environment, additional data were required to be collected and submitted during the period of conditional registration. Such requirements included a sediment bioavailability and toxicity study and a small-plot runoff study that must be submitted to the Agency by July 1, 1996. To be consistent with the conditional registration and extension on cottonseed, the Agency is issuing a conditional registration with an expiration date of November 15, 1996 and establishing a time-limited tolerance on sorghum (fodder, forage and grain), aspirated grain fractions and livestock animal commodities with an expiration date of November 15, 1997, to cover residues expected to result from use during the period of conditional registration.

Residues remaining in or on the above commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the conditional registration.

There are presently no actions pending against the continued registration of this chemical.

The pesticide is considered useful for the purposes for which it is sought. Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR 180.436 would protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by

40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 2F4137/R2259] (including objections and hearing requests 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 22202.

A copy of electronic objections and hearing request filed with the Hearing Clerk can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record of this rulemaking, as well as the public eversion, as described above will be kept in paper form. Accordingly, EPA will transfer any objections and hearing requests 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 objections and hearing requests 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 rule is not ''significant'' and is therefore not subject to OMB review.

This action does not impose any enforceable duty, or contain any unfunded mandates as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to the requirements of the Regulatory Flexibility Act (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 explaining the factual basis for this determination was published in the Federal Register of May 4, 1981 (46 FR 24950).

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 180

Environmental Protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and record keeping requirements.

Dated: July 19, 1996.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, chapter I of title 40 Code of Federal Regulations is amended as follows:

PART 180—[AMENDED]

1. The Authority citation of part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.436, the table in paragraph (a) is amended by adding alphabetically entries for the commodities ''aspriated grain fractions'' and ''sorghum fodder,'' ''sorghum forage'' and ''sorghum grain;'' and by revising the entries for cattle, fat; goats, fat; hogs, fat; horses, fat; milkfat; and sheep, fat; to read as follows:

§ 180.436 Cyfluthrin: tolerances for residues.

(a) * * *

Commodity	Parts per million	Expiration date
* * * * * *		*
Aspirated Grain Fractions	300.00	Nov. 15, 1997.
Cattle, fat	5.00	Do.
* * * * * *		*
Goats, fat	5.00	Do.
* * * * * *		*
Hogs, fat	5.00	Do.

Commodity	Parts per million	Expiration date
* * * * * *		*
Horses, fat	5.00	Do.
Milkfat (reflecting 0.5 ppm in whole milk).	15.00	Do.
* * * * * *		*
Sheep, fat	5.00	Do.
* * * * * *		*
Sorghum, fodder	5.00	Do.
Sorghum, forage	2.00	Do.
Sorghum, grain	4.00	Do.
* * * * * *		*

[FR Doc. 96–19085 Filed 7–30–96; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Parts 180

[PP 4F4327/R2253; FRL–5385–1]

RIN 2070–AB78

Fenpropathrin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide/miticide fenpropathrin, a synthetic pyrethroid, in or on the raw agricultural commodities (RACs) peanuts and peanut hay, and increases tolerances in meat, meat byproduct and fat of cattle, goats, hogs, horses and sheep and poultry; eggs; and milkfat. Valent U.S.A submitted petitions under the Federal Food, Drug and Cosmetic Act (FFDCA) that requested a regulation to establish these maximum permissible levels for residues of the insecticide.

EFFECTIVE DATE: This regulation becomes effective July 31, 1996.

ADDRESSES: Written objections and hearing requests, identified by the docket number [PP 4F4327/R2253], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket number and submitted 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 copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. 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 4F4327/R2253]. 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 notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (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 address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 13, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Second Floor, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703) 305-6100, e-mail: larocca.george@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued notices, published in the Federal Register of July 13, 1994 (59 FR 35719), which announced that Valent U.S.A. Corporation, 1333 N. California Blvd., Suite 600, Walnut Creek, CA 94596 had submitted pesticide petition (PP) 4F4327 and food/feed additive petition (FAP) 4H5690 to EPA. Pesticide petition 4F4327 requested that the Administrator, pursuant to section 408(d)of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), amend 40 CFR 180.466 by establishing tolerances for residues of the insecticide fenpropathrin (alpha-cyano-3-phenoxybenzyl 2,2,3,3-tetramethylcyclopropanecarboxylate) in or on the raw agricultural commodities (RACs) peanuts, vines and peanuts, hay (dried) at 20 parts per million (ppm); milkfat at 2.0 ppm (reflecting 0.08 ppm in whole milk); fat (cattle, goats, hogs, horses, and sheep) at 1.0 ppm; peanut hulls at 0.3 ppm; meat and meat byproducts (cattle, goats, horses, and sheep) at 0.1 ppm; poultry meat, fat, meat byproducts and eggs at 0.05 ppm; and peanut nut meat at 0.01 ppm. Food/feed additive petition (FAP) 4H5690 requested that the Administrator pursuant to section 409(b) of the FFDCA (21 U.S.C. 348(b)) amend 40 CFR 185.3325 and 186.3225 by establishing a food/feed additive regulation for fenpropathrin in and on peanut oil at 0.05 ppm and peanut soapstock at 0.02 ppm.

In a letter dated January 5, 1996, Valent U.S.A. requested withdrawal of the food/feed additive petition (FAP 4H5690) in or on peanut oil and peanut soapstock and amended PP 4F4327 by deletion of the proposed tolerances in/on peanut hulls and peanut vines. The notice withdrawing FAP 4H5690 was published in the Federal Register July 24, 1996 (61 FR 38447). Valent U.S.A.'s withdrawal of the food/feed additive petition was in response to EPA's determination that residues of fenpropathrin in processed commodities will not exceed the tolerances in the RAC. Although a processing study showed some concentration in peanut meal and refined oil, EPA has determined that a section 409 tolerance is unnecessary because it is unlikely