

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

that the fenpropathrin residues in peanut meal and refined oil will exceed the limit of quantification (LOQ) tolerance that is being established on peanut nut meat. Valent's deletions of the proposed tolerances in/on peanut hulls and peanut vines were submitted in response to EPA's September 1995 revision to Table II of the Pesticide Assessment Guidelines, Subdivision O (Residue Chemistry) Raw Agricultural and Processed Commodities and Livestock Feeds Derived from Field Crops. This document states that peanut soapstock and peanut hulls are no longer considered significant livestock feed items, thus tolerances are not required. This amendment also addressed EPA's preference for peanut, dried hay to be expressed in term of peanuts, hay.

The scientific data submitted in this petition and other relevant material have been evaluated. The toxicological and metabolism data and analytical methods for enforcement purposes considered in support of these tolerances are discussed in detail in related documents published in the Federal Register of April 14, 1993 (58 FR 19357).

A dietary exposure/risk assessment was performed for fenpropathrin using a Reference Dose (RfD) of 0.025 mg/kg/day. The RfD is based on a no-observable-effect Level (NOEL) of 2.5 mg/kg/body weight/day (100 ppm) and an uncertainty factor of 100 from a 1-year dog feeding study that demonstrated tremors in test animals at the lowest effect level. The current estimated dietary exposure for the overall U.S. population and non-nursing infants (less than 1 year), the subgroup population exposed to the highest risk, is 0.365% and 0.475% of the RfD, respectively. The current action will increase exposure to 0.437% and 0.704% respectively. Generally speaking, the Agency has no cause for concern if total residue contribution for published and proposed tolerances is less than 100 percent of the RfD.

The metabolism of the chemical in plants and livestock is adequately understood for this use. Any secondary residues occurring in meat, fat, meat by products of cattle, goats, hogs, horses, poultry, sheep; milkfat and eggs will be covered by the tolerances outlined above.

An adequate analytical method (gas liquid chromatography with an electron capture detector) is available for enforcement purposes. The enforcement methodology has been submitted to the Food and Drug Administration, and published in the Pesticide Analytical Manual Vol. I (PAM I).

There are presently no actions pending against the continued registration of this chemical. The pesticide is considered useful for the purposes which it is sought. Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 will protect the public health. Therefore, the tolerance is 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 4F4327/R2253](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.

An electronic copy of objections and hearing requests filed with the Hearing Clerk can be sent directly to OPP at:

opp-Docket@epamail.epa.gov

An electronic copy of 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 for this rulemaking, as well as the public version, 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 Virginia 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).

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.

Pursuant to the requirements of the Regulatory Flexibility Act (U.S.C. 601-612), the Administrator has determined that regulation 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 determinations 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: July 23, 1996.

Daniel M. Barolo,
Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is
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 § 180.466 the table is amended by adding alphabetically an entry for the commodities peanut, nutmeat; peanut, hay, and poultry, meat; and by revising the tolerances in meat, meat byproduct and fat of cattle, goats, hogs, horses and sheep; milkfat; poultry fat and meat byproduct; and eggs to read as follows:

§ 180.466 Fenpropathrin, tolerances for residues,

*	*	*	*	*
per million		Expiration		
	*		*	
1.0				None
0.1				Do.
0.1				Do.
0.05				Do.
1.0				Do.
0.1				Do.
0.1				Do.
1.0				Do.
0.1				Do.
0.1				Do.
1.0				Do.
0.1				Do.
0.1				Do.
1.0				Do.
0.1				Do.
0.1				Do.
2.0				Do.
20.0				Do.
0.01				Do.
0.05				Do.
0.05				Do.
0.05				Do.

Commodity	Parts per million	Expiration date
* * * *		
Cattle, fat	1.0	None
Cattle, mbyp	0.1	Do.
Cattle, meat	0.1	Do.
Eggs	0.05	Do.
Goats, fat	1.0	Do.
Goats, mbyp	0.1	Do.
Goats, meat	0.1	Do.
Hogs, fat	1.0	Do.
Hogs, mbyp	0.1	Do.
Hogs, meat	0.1	Do.
Horses, fat	1.0	Do.
Horses, mbyp	0.1	Do.
Horses, meat	0.1	Do.
Milkfat (reflecting 0.08 in whole milk)	2.0	Do.
Peanut, hay	20.0	Do.
Peanut, nutmeat	0.01	Do.
Poultry, fat	0.05	Do.
Poultry, meat	0.05	Do.
Poultry, mbyp	0.05	Do.
* * * *		

[FR Doc. 96-19330 Filed 7-30-96; 8:45 am]

BILLING CODE 6560-50-F

40 CFR PART 180

[PP 4F4291/R2265; FRL-5387-5]

RIN 2070-AB78

Cypermethrin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a time limited tolerance for residues of the insecticide Cypermethrin[(±)-alpha-cyano-(3-phenoxyphenyl)methyl (±)cis,trans-3-(2,2-dichloroethyl)-2,2-dimethylcyclopropane carboxylate] in or on the brassica crop groups, head and

stem brassica at 2.0 parts per million (ppm) and leafy brassicas at 14.0 ppm. The regulation to establish a maximum permissible level for residues of the insecticide was requested in a petition submitted by FMC Corp., Agricultural Chemicals Group, 1735 Market St., Philadelphia, PA 19103.

EFFECTIVE DATE: This regulation became effective July 25, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 4F4291/R2265], may be submitted to: Hearing Clerk (A-110), 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 to: 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.