

proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed action must be received by August 16, 1996.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules section of this Federal Register. Copies of the request and the EPA's analysis are available for inspection at the following address: (Please telephone Kathleen D'Agostino at (312) 886-1767 before visiting the Region 5 office.) EPA, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

Authority: 42 U.S.C. 7401-7671q.

Dated: June 17, 1996.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 96-17989 Filed 7-16-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180, 185, and 186

[PP 4F4313 and FAP 4H5687/P670, FRL-5374-1]

RIN 2070-AC18

Cyfluthrin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish permanent tolerances for residues of the pyrethroid cyfluthrin in or on the raw agricultural commodities (RACs) group citrus, fruits; to withdraw the proposed food/feed additive petition for citrus oil, dried pulp, and molasses and to establish a maximum residue limit for

cyfluthrin on citrus oil and dried pulp. Bayer Corporation (formerly Miles, Inc.) submitted petitions pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA) requesting these regulations to establish certain maximum permissible levels for residues of the insecticide.

DATES: Comments, identified by the docket control number [PP 4F4313 and FAP 4H5687/P670], must be received on or before August 16, 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.

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). 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.

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 4F4313 and FAP 4H5687/P670]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

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, telephone number, and e-mail address: Rm. 200, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703) 305-6100.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of July 13, 1994 (59 FR 35717), which announced that Miles Corp. had submitted pesticide petition PP 4F4313 and food/feed additive petition (FAP) 4H5687 to EPA. Pesticide petition 4F4313 requests 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 180.436 by establishing tolerances for residues of the insecticide cyfluthrin, [cyano[4-fluoro-3-phenoxyphenyl]-methyl-3-[2,2-dichloroethyl]-2,2-dimethylcyclopropanecarboxylate] in or on the raw agricultural commodities group citrus, fruits at 0.2 parts per millions (PPM).

Food/feed additive petition 4H5687 requests that the Administrator, pursuant to section 409(b) of the FFDCA (21 U.S.C. 348), amend 40 CFR parts 185 and 186 by establishing food/feed additive regulations for cyfluthrin in or on the processed food commodity citrus oil at 1.0 ppm, and the feed commodities citrus dried pulp at 1.0 ppm and citrus molasses at 0.5 ppm.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

On May 2, 1996, Miles Corp. requested that the proposed food/feed additive regulation (4H5687) for citrus oil, citrus dried pulp, and citrus molasses under section 409 of FFDCA be withdrawn and proposed establishment of a maximum residue level (MRL) for citrus oil and citrus dried pulp at 0.3 ppm under section 701 of FFDCA. The request to withdraw the feed additive petition for citrus molasses was submitted in response to EPA's determination that citrus molasses is no longer considered a significant feed item. See EPA's final 860 Series Residue Chemistry Guidelines (860.1000) published as public drafts on August 25, 1995 (60 FR 44343) (formerly Table II of Subdivision O, Residue Chemistry, of the Pesticide Assessment Guidelines).

The request to withdraw the food/feed additive petition under section 409 for citrus oil and citrus dried pulp and instead propose to establish a MRL for citrus oil and citrus dried pulp under section 701 was submitted in response to EPA's policy changes regarding when pesticide residues concentrate in processed food and whether a particular processed food is considered "ready to eat." In June 1995 (60 FR 31300, June 14, 1995), EPA issued a revised policy concerning when section 409 food and feed additive tolerances were needed to

prevent the adulteration of foods and animal feeds. Under EPA's revised policy, a section 409 tolerance is necessary for pesticide residues in processed food when it is likely that the level of some residues of the pesticide will exceed the section 408 tolerance level in "ready to eat" processed food/feed. Of particular relevance to the proposed food/feed additive regulation for citrus oil and dried pulp is EPA's decision to interpret the term "ready to eat" processed food/feed as food ready for consumption "as is" without further preparation. For foods/feeds that are found to be not "ready to eat," EPA takes into account the dilution of residues that occurs in preparing a "ready to eat" food/feed.

Under the revised policy, EPA has determined that citrus fruit oil and dried citrus pulp are not "ready to eat" food or animal feed commodities. Citrus oil is not consumed "as is" but used as a flavoring in other foods. Likewise EPA has found no evidence that dried citrus pulp is fed to livestock as a stand-alone feed stock. Rather dried citrus pulp is used as an ingredient in animal feeds. As such, dried citrus pulp can constitute up to 25% of animal feed.

The proposed section 408 tolerance for cyfluthrin on citrus is 0.2 ppm. The highest average residue found in crop field trials for cyfluthrin on citrus fruits was 0.06 ppm. A processing study showed that in producing citrus oil and dried pulp residues concentrated 530% (a concentration factor of 5.3x). Thus with this information it is likely that cyfluthrin residues of 0.32 ppm (0.06 x 5.3) could occur in citrus oil and dried pulp. However to project what residues are likely in "ready to eat" food or animal feed containing citrus oil and dried citrus pulp the 0.32 ppm must be divided by 238 for citrus oil and 3 for dried citrus pulp to allow for dilution occurring when citrus oil and dried citrus pulp is added to other ingredients in the preparation of food and animal feed respectively. Once these dilutions are taken into account (0.32 divided by 238) and (0.32 divided by 3) the likely residues of cyfluthrin in food and animal feed would not be expected to exceed 0.001 ppm for citrus oil (or < 0.01 ppm which is the limit of detection of the analytical method) and 0.11 for dried citrus pulp. Since these levels are below the 408 tolerance level (0.2 ppm) food and animal feed would not be adulterated and no section 409 tolerances are needed. However since residues could be present in the not "ready to eat" commodities at levels (0.32 ppm) appreciably higher than the 0.2 ppm RAC tolerance, section 701 MRL's are being proposed. A section

701 MRL represents the highest level of pesticide residue in a not "ready to eat" processed commodity that is consistent with the requirements in 21 U.S.C. 342(a)(2)(C) that the pesticide be applied in accordance with the section 408 tolerance and that good manufacturing processes be used.

EPA will compute the MRL by multiplying the highest average residue found in the raw commodity in field trials by the concentration factor determined in processing studies using good manufacturing practices. As noted above, the highest average residue from the cyfluthrin fields trials is 0.06 ppm and the concentration factor for processing is 5.3x. Multiplying 0.06 by 5.3 yields a product of 0.318 ppm. EPA believes it is appropriate to round 0.318 ppm and proposes 0.3 ppm as MRL for cyfluthrin residues in citrus oil and dried citrus pulp. For purposes of enforcement of the MRL, the same analytical method used for enforcement of the section 408 tolerances should be used.

EPA is proposing to place this MRL in existing parts 185 and 186 of title 40 of the Code of Federal Regulations (CFR) rather than creating a new part of title 40. Currently, 40 CFR parts 185 and 186 contain section 409 food and feed additive tolerances organized by pesticide. EPA believes it will be clearer to the regulated community and to enforcement personnel if all regulations pertaining to residue levels of a pesticide in food and animal feeds are located in the same part of the CFR. Because EPA is respectively proposing to expand the type of regulation that would be included in part 185 and 186, EPA proposes modifying the titles of parts 185 and 186 to "Pesticides in Food and Pesticides in Animal Feeds" to reflect these changes.

The science data submitted in support of the petitions and other relevant material have been reviewed. The toxicological and metabolism data considered in support of this tolerance are discussed in detail in a related document published in the Federal Register of March 15, 1996 (61 FR 10678).

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 No Observed Effect Level (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 150 ppm (6.2 mg/kg/day). The current estimated dietary exposure for the U.S.

population resulting from established tolerances is 0.002907 mg/kg/bwt day, which represents 11.6% of the RfD and 0.00662 mg/kg/day, which represents 26.4% of the RfD for children (1-6 years old), the subgroup population exposed to the highest risk. The current action will increase exposure to 0.003268 mg/kg/day or 13% of the RfD and 0.007605 mg/kg/day or 30.4% of the RfD respectively. Generally speaking, EPA has no cause for concern if total residue contribution for published and proposed tolerances is less than the RfD. 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 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 endpoint 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 666. Generally speaking, MOE's greater than 100 for data derived from animal studies are generally not of concern.

The metabolism of cyfluthrin in plants and livestock for this use is adequately understood. The residues of concern is cyfluthrin. Adequate analytical methodology (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 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 Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, U.S. 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.

The established tolerances for residues of cyfluthrin in/on eggs, milk, fat, meat and meat by-products of cattle,

goats, hogs, horses, sheep and poultry are adequate to cover secondary residues resulting from the proposed use as delineated in 40 CFR 180.6(a)(2).

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

The pesticide is considered useful for the purpose for which the tolerances are sought. Based on the information and data considered, the Agency concludes that the establishment of the proposed tolerances will protect the public health and proposed MRLs are consistent with 21 U.S.C. 342 (a)(c). Therefore, it is proposed that the tolerances 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. Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 4F4313/FAP 4H5687/P670]. All written comments filed in response to this petition will be available in the Public Responses and Program Resources Branch, at the address given above from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under the docket number [PP 4F4313/FAP 4H5687/P670] (including any comments and data submitted electronically). 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 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 1B2, 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 any copies of 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 comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

The Office of Management and Budget has exempted this document from the requirement of review pursuant to Executive Order 12866.

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. In addition, 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 1993), entitled "Enhancing the Intergovernmental Partnership," or special considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

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). EPA has treated regulations similar to the establishment of tolerances as also not having a significant economic impact on substantial number of small entities. Therefore, the proposed MRL is not expected to have such impact.

List of Subjects in 40 CFR Parts 180, 185, and 186

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

Dated: June 19, 1996.

Stephen L. Johnson,
Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PART 180—[AMENDED]

1. In part 180:
 - a. The authority citation for part 180 continues to read as follows:
Authority: 21 U.S.C. 346a and 371.
 - b. In § 180.436(a), by adding and alphabetically inserting the following entry in the table therein to read as follows:

§ 180.436 Cyfluthrin; tolerances for residues.

(a) * * *

Commodities	Parts per million	Expiration date
Citrus, fruits	0.2	None

Commodities	Parts per million	Expiration date
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PART 185—PESTICIDES IN FOOD

2. In part 185:

a. The authority citation for part 185 is revised to read as follows:

Authority: 21 U.S.C. 342, 348, and 701.

b. By revising the part heading for part 185 to read as set forth above.

c. In § 185.1250, by adding paragraph (b) to read as follows:

§ 185.1250 Cyfluthrin.

* * * * *

(b)(1) A maximum residue level regulation is established for residues of the insecticide cyfluthrin, [cyano[4-fluoro-3-phenoxyphenyl]-methyl-3-[2,2-dichloroethenyl]-2,2-dimethylcyclopropanecarboxylate] in or on the following food commodities:

Commodities	Parts per million
Citrus oil	0.3

(2) This regulation reflects the maximum level of residues in citrus oil consistent with use of cyfluthrin on citrus, fruits in conformity with § 180.436 of this chapter and with the use of good manufacturing practices.

* * * * *

PART 186 — [AMENDED]

3. In part 186:

a. The authority citation for part 186 is revised to read as follows:

Authority: 21 U.S.C. 342, 348, and 701.

b. In § 186.1250, by adding paragraph (b), to read as follows:

§ 186.1250 Cyfluthrin.

* * * * *

(b)(1) A maximum residue level regulation is established for residues of the insecticide cyfluthrin, [cyano[4-fluoro-3-phenoxyphenyl]-methyl-3-[2,2-dichloroethenyl]-2,2-dimethylcyclopropanecarboxylate] in or on the following feed commodities:

Commodities	Parts per million
Citrus, dried pulp	0.3

(2) This regulation reflects the maximum level of residues in citrus, dried pulp consistent with use of cyfluthrin on citrus, fruits in conformity with § 180.436 of this chapter and with the use of good manufacturing practices.

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[FR Doc. 96-18183 Filed 7-15-96; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 232 and 235

Aid To Families With Dependent Children; AFDC/Child Support Program Cooperation and Referral

AGENCY: Administration for Children and Families (ACF), HHS.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule is part of President Clinton's recently announced initiative to strengthen the child support enforcement system and promote parental responsibility. ACF is proposing to amend the regulations for the Aid to Families with Dependent Children (AFDC) program under title IV-A of the Social Security Act to improve cooperation requirements as follows:

Prior to receipt of AFDC, applicants will be required to provide sufficient information to located the non-custodial parent, establish the paternity of a child born out of wedlock and secure child support. By making the receipt of benefits conditional upon fulfillment of the cooperation requirement at the time of application, this policy will increase the likelihood of success in locating non-custodial parents, establishing paternity, and securing support.

- Applicants and recipients will be held to a strict cooperation standard. They will be required to provide the name of the father and identifying information available to the caretaker such as the address, Social Security Number, telephone number, place of employment or school, and names of relatives, etc.

- To ensure effective due process protection, States will be required to establish criteria to determine when the

individual cannot reasonably be expected to know the required identifying information.

- The AFDC agency will be required to refer applicants to the child support agency within two working days of application so that the non-custodial parent can be located and paternity action can be initiated right away.

- To ensure that clients are protected from delays in processing applications, the prohibition on State or local agencies from denying, delaying or discontinuing assistance pending a good cause determination will also apply to the cooperation determination.

- To provide additional flexibility, States may request waivers under the Intergovernmental Cooperation Act to have the child support agency, rather than the AFDC agency, make the good cause and cooperation determination. Since the child support agency has the responsibility to bring legal action to establish paternity, it is often in the best position to make this determination.

The current good cause provisions are unchanged. Applicants and recipients who have good cause will continue to be exempt from cooperating.

DATES: Interested persons and agencies are invited to submit written comments concerning these regulations no later than September 16, 1996.

ADDRESSES: Comments should be submitted in writing to the Assistant Secretary for Children and Families, ATTENTION: Mr. Mack A. Storrs, Director, Division of AFDC/JOBS, 5th Floor, Office of Family Assistance, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447 or delivered to the Office of Family Assistance, 5th Floor, Aerospace Building, 901 "D" St., S.W., Washington, D.C. 20447, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these hours by making arrangements with the contact person.

FOR FURTHER INFORMATION CONTACT: Mr. Mack A. Storrs, Administration for Children and Families, Office of Family Assistance, 5th Floor, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, telephone (202) 401-9289.

SUPPLEMENTARY INFORMATION:

Background

Recently, President Clinton announced a new initiative to strengthen the child support