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,

* * * * *

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-dichloroethyenyl)-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 insectide 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.

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 [PP4F4291/R2265]. 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.

FOR FURTHER INFORMATION CONTACT: By mail: George 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. 204, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305-6100, e-mail: larocca.george@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of July 13, 1994 (59 FR 35717), which announced that FMC Corp., Agricultural Chemicals Group, 1735 Market St., Philadelphia, PA 19103, had submitted pesticide petition (PP) 4F4291 to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish tolerances for the residues of the insecticide cypermethrin [(±)alpha-cyano-(3-phenoxyphenyl) methyl(±)cis,trans-3-(2,2-dichloroethenenyl)-2,2 dimethylcyclopropanecarboxylate], in or on the brassica crop groups, head and stem brassicas at 2.0 parts per million (ppm) and leafy brassicas at 14.0 ppm.

No comments were received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of tolerance for cypermethrin (PP 4F3011) are discussed in detail in the Federal Register publication of October 20, 1993 (58 FR 54092).

A chronic dietary exposure analysis was performed using a Reference Dose (RfD) of 0.01 mg/kg body weight/day based on a no-observed-effect-level (NOEL) of 1.0 mg/kg body weight/day from an oral dosing study in dogs and a 100-fold uncertainty factor. The endpoint of concern in this study was gastrointestinal tract disturbance. Using tolerance level residues and 100% crop treatment information, the Theoretical Maximum Residue Contribution (TMRC) from established tolerances and the current action is estimated at 3.7 x 10^{-3} mg/kg body weight/day and utilizes 37% of the RfD for the US population. The TMRC for non-hispanic others, the subgroup population most highly exposed, is estimated at 7.2 x 10^{-3} mg/kg body weight/day and utilizes 72% of the RfD. In general, EPA has no cause for concern if total chronic dietary exposure for established and new tolerances is less than the RfD.

The nature of cypermethrin residue in plants and animals for this use is adequately understood. Since the available field residue studies indicate that there will be low to non-detectable levels of the metabolite DCVA (3-(2,2-dichloroethyenyl)-2,2 dimethyl-cyclopropane carboxylic acid) in the terminal residues of some crops and the toxicity of this metabolite is comparable to the parent compound, the Agency has concluded that the tolerance expression regulate only the parent compound cypermethrin and not the metabolite. This determination is consistent with the International Codex Maximum Residue Limits for cypermethrin, which includes only the parent compound and will facilitate enforcement of the tolerance since the current FDA Multiresidue Methods I and II can detect the parent compound but not the metabolite. However, since there is a potential for low levels of this metabolite in some crops, new crop field trials will be required to include analyses for residues of the parent compound cypermethrin and metabolite DCVA. The dietary risk assesment will be based on residues of cypermethrin plus metabolite DCVA for crops with quantifiable residues of the metabolite DCVA.

There is no reasonable expectation of secondary residues in animal tissues and milk from this use, since no animal feed items are associated with the brassica crop group. 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 is published in the *Pesticide Analytical Manual Vol. II* (PAM II).

There currently exists a separate tolerance in 40 CFR 180.418 for cypermethrin on cabbage at 2.0 ppm. Since the current action is establishing tolerances on the brassica crop group which includes cabbage under the head and stem subgroup, the seperate cabbage tolerance is being deleted.

The Agency issued a conditional registration for cypermethrin for use on cotton with an expiration date of December 1, 1988 (see the Federal Register of June 15, 1984 (49 FR 24684), January 9, 1985 (50 FR 1112), and September 27, 1985 (50 FR 39100)). This conditional registration was subsequently amended to include pecans, lettuce, cabbage and onions and extended to November 15, 1996. The conditional registration was amended and extended to allow time for submission and evaluation of additional environmental effects data. Due to the conditional status of the registration, tolerances have been established for cypermethrin on a temporary basis (until November 15, 1997) on cottonseed, pecans, lettuce, cabbage, onions, meat, fat and meat byproducts of hogs, horses, cattle, goats, sheep and milk to cover residues expected to be present from use during the period of conditional registration. To be consistent with the current conditional registration status for cypermethrin, the Agency is establishing tolerances for the brassica crop groups with an expiration date of November 15, 1997, to cover residues expected to be present 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 of and in accordance with provisions of the conditional registration.

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

This pesticide is considered useful for the purposes for which the tolerance 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, these 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 the docket number [PP4F4291/R2265] (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 4:30 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 (7505C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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.

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.

Pursuant to the requirements of the Regulatory Flexibility Act, under section 801(a) (1) (A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, (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 section 804(2) of the APA as amended (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 statement explaining the factual basis for this certification was published in the Federal Register of May 4, 1981 (46 FR 24950).

In addition, this action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded 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 considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

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 25, 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. By amending § 180.418 in the table therein, by removing the entry for cabbage and by adding and alphabetically inserting the following raw agricultural commodities to read as follows:

§ 180.418 Cypermethrin; tolerances for residues.

* * * * *

Commodities	Parts per million
Brassica head and stem	2.0
* * * * *	
Leafy brassica	14.0
* * * * *	

[FR Doc. 96–19458 Filed 7–30–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 372

[OPPTS–400095A; FRL–5389–6]

Di-(2-ethylhexyl) Adipate; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is deleting di-(2-ethylhexyl) adipate (DEHA) (CAS No. 103-23-1), also known as bis(2-ethylhexyl) adipate, from the list of chemicals subject to reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). Specifically, EPA is deleting DEHA because the Agency has concluded that DEHA meets the deletion criteria of EPCRA section 313(d)(3). By promulgating this rule, EPA is relieving facilities of their obligation to report releases of and other waste management information on DEHA that occurred during the 1995 reporting year, and for activities in the future.