

year. If the volume of grain inspected is less than the agreed upon amount, any excess monies paid to the Service shall be applied to the next fiscal year's administrative fee unless a request for a refund is made by the applicant.

(f) *Advance payment.* As necessary, the Administrator may require that fees shall be paid in advance of the performance of the requested service. Any fees paid in excess of the amount due shall be used to offset future billings, unless a request for a refund is made by the applicant.

(g) *Form of payment.* Bills for fees assessed under the regulations for official services performed by FGIS shall be paid by check, draft, or money order, payable to the U.S. Department of Agriculture, Grain Inspection, Packers and Stockyards Administration.

Dated: November 22, 1995.

James R. Baker,

*Acting Assistant Secretary, Marketing and Regulatory Programs.*

[FR Doc. 95-29115 Filed 11-29-95; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 185 and 186

[FAP 4H5710/P636; FRL-4983-5]

RIN 2070-AC18

### Deltamethrin; Food and Feed Additive Regulations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to establish food and feed additive regulations for residues of the pyrethroid deltamethrin in or on food and feed items as a result of use in food- and feed-handling establishments. Roussel Uclaf Corp. requested these regulations pursuant to Federal Food, Drug and Cosmetic Act (FFDCA) that would establish the maximum permissible levels for residues of the pesticide in or on certain food and feed items.

**DATES:** Comments, identified by the document control number [PP4H5710/P636], must be received on or before January 2, 1996.

**ADDRESSES:** Submit written comments by mail 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 Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any parts or all of that information as "Confidential Business Information (CBI). Information so marked will not be disclosed except in accordance with procedures as set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the above address, from 8 a.m. through 4:30 p.m., Monday through Friday, excluding legal holidays. Comments and data may also be submitted 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 4H5710/P636]. No Confidential Business Information (CBI) should be submitted through e-mail. 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 and telephone number: Rm. 202, CM #2, 1921 Jefferson Davis Hwy., 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 February 8, 1995 (60 FR 7541), which announced that, Roussel Uclaf Corp., 95 Chestnut Ridge Rd., P.O. Box 30, Montvale, NJ 07645, had submitted pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 348, a food additive petition, FAP 4H5710, that proposed amending 40 CFR part 185 by establishing a food additive regulation to permit residues of the insecticide deltamethrin [(1*R*,3*R*)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid (*S*-*alpha*-cyano-3-phenoxybenzyl ester in or on food as a result of use in food-

handling establishments at 0.02 part per million (ppm). On March 20, 1995, Roussel Uclaf Corp. submitted a request to amend 40 CFR part 186 by proposing a feed additive regulation to permit residues of the insecticide deltamethrin in or on feed items as a result of use in feed-handling establishment at 0.02 ppm.

The scientific data submitted in the petitions and other relevant material have been evaluated. The toxicological and metabolism data and analytical methods for enforcement purposes considered in support of these tolerances include the following:

1. Chronic 2-year feeding in dogs with a systemic NOEL greater than 40 ppm (highest doses treated (HDT)).

2. A 24-month chronic feeding/carcinogenicity study in rats with a systemic NOEL of 20 ppm (1 mg/kg/day) and LEL of 50 ppm (2.5 mg/kg/day based on decreased body weight. No carcinogenic effects were observed in this study.

3. Mutagenicity tests include an Ames assay, a structural chromosomal aberration assay in Chinese hamster ovary (CHO) cells, and an unscheduled DNA synthesis assay in rat hepatocyte. All tests were negative for genotoxicity.

4. A metabolism study in rats demonstrates that deltamethrin is relatively well absorbed. Urine and fecal excretions were almost complete at 48 hours post dose.

5. An oral development toxicity study in rats with a developmental NOEL of 11 mg/kg/day (highest dose tested). The maternal NOEL was 3.3 mg/kg/day with the LEL of 7 mg/kg/day based on one death and excessive salivation. An oral developmental toxicity study in rabbits with a maternal NOEL of 10 mg/kg/day and a maternal LEL of 25 mg/kg/day based on decreased defecation. The developmental NOEL was 25 mg/kg/day with a developmental LEL of 100 mg/kg/day based on a statistically significant trend for an increase in fetal incidence of unossification of pubic and tail bones.

6. A three-generation reproduction study in rats noted no parental effects. NOEL greater than 50 ppm.

A chronic dietary exposure/risk assessment was performed for deltamethrin using a reference dose (RfD) of 0.01 mg/kg bwt/day based on a NOEL 1.00 mg/kg bwt/day from the 2-year rat feeding study with an uncertainty factor of 100. The end-point effect of concern was decreased body weight. The Theoretical Maximum Residue Contribution (TMRC) from established tolerances utilizes 3.7% of the RfD for the U.S. population and 2.3% of the RfD for the subpopulation