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).

List of Subjects in 40 CFR Part 180

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

Dated: April 20, 1995.

Stephen L. Johnson,

Director, Registration Division, 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 revising § 180.459, to read as follows:

§ 180.459 Triasulfuron; tolerances for residues.

Tolerances are established for the residues of the herbicide triasulfuron, [3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-(2-(2-chloroethoxy)phenylsulfonyl)urea] in or on the following raw agricultural commodities:

Commodity	Parts per million
Barley, forage	5.0
Barley, grain	0.02
Barley, straw	2.0
Cattle, fat	0.1
Cattle, kidney	0.2
Cattle, meat	0.1
Cattle, mbyp (except kidney)	0.1
Goats, fat	0.1
Goats, kidney	0.2
Goats, mbyp (except kidney)	0.1
Goats, meat	0.1
Hogs, fat	0.1
Hogs, kidney	0.2
Hogs, mbyp (except kidney)	0.1
Hogs, meat	0.1
Horses, fat	0.1
Horses, kidney	0.2
Horses, mbyp (except kidney)	0.1
Horses, meat	0.1
Milk	0.02
Sheep, fat	0.1
Sheep, kidney	0.2
Sheep, mbyp (except kidney)	0.1
Sheep, meat	0.1
Wheat, forage	5.0
Wheat, grain	0.02
Wheat, straw	2.0

[FR Doc. 95–10868 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Parts 180 and 185

[PP 2F4116 and FAP 2H5644/R2124; FRL–4949–3]

RIN 2070–AB78

Myclobutanil; Pesticide Tolerances and Food Additive Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes permanent tolerances for the combined residues of the fungicide myclobutanil and a metabolite in or on the raw agricultural commodities stone fruits (except cherries) at 2.0 parts per million (ppm) and cherries at 5.0 ppm and establishes a food additive regulation for the combined residues in or on the processed food commodity dried plums at 8.0 ppm. The Rohm & Haas Co. requested establishment of these tolerances and food additive regulation.

EFFECTIVE DATE: This regulation became effective on March 30, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 2F4116 and FAP 2H5644/R2124], 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 a copy of the 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.

A copy of objections and requests for hearings filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and requests for hearings will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and requests for hearings in electronic form must be identified by the docket number [PP 2F4116 and FAP 2H5644/R2124]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and requests for hearings 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: Connie B. Welch, Product Manager (PM) 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6900; e-mail: welch.connie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued notices, published in the **Federal Register** of December 30, 1992 (57 FR 62333), which announced that the Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, had submitted pesticide petition (PP) 2F4116 proposing to amend 40 CFR 180.443 by establishing permanent tolerances for the residues of the fungicide myclobutanil, [*alpha*-butyl-*alpha*-(3-hydroxybutyl)-1*H*-1,2,4-triazole-1-propanenitrile], and both the free and bound forms of its metabolite, *alpha*-(3-hydroxybutyl)-*alpha*-(4-chlorophenyl)-1*H*-1,2,4-triazole-1-propanenitrile, in or on stone fruits group (except cherries) at 2.0 ppm and cherries at 5.0 ppm and food additive petition (FAP) 2H5644 proposing to amend 40 CFR 185.4350 by establishing a tolerance for the combined residues of myclobutanil and its metabolite in or on the food additive commodity dried plums at 8.0 ppm. Rohm & Haas Co. also requested that previous petitions submitted for stone fruits (PP 9F3811, PP 1F3954, and FAP 1H5608) be combined in these petitions.

Time-limited tolerances were established for myclobutanil in or on the raw agricultural commodities nectarines and peaches at 2.0 ppm and cherries (sweet and sour) at 4.0 ppm with an expiration date of October 1, 1994, in response to PP 9F3811 in a document in the **Federal Register** of February 5, 1992 (57 FR 4368). These tolerances were extended to April 1, 1995, on September 30, 1994.

There were no comments received in response to the notices of filing of any of the petitions. The data submitted in support of the petitions and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data

considered in support of the tolerances include the following:

1. A 1-year dog feeding study using doses of 0, 10, 100, 400, and 1,600 ppm (equivalent to doses of 0, 0.34, 3.09, 14.28, and 54.22 milligrams/kilogram (mg/kg) body weight (bwt)/day in males and 0, 0.40, 3.83, 15.68, and 58.20 mg/kg bwt/day in females). The no-observed-effect level (NOEL) is 100 ppm (3.09 mg/kg/day for males and 3.83 mg/kg/day for females) based upon hepatocellular hypertrophy, increases in liver weights, ''ballooned'' hepatocytes, and increases in alkaline phosphatase, SGPT, and GGT, and possible slight hematological effects. The lowest-observed-effect level (LOEL) is 400 ppm (14.28 mg/kg/day for males and 15.68 mg/kg/day for females).

2. A 2-year chronic feeding/carcinogenicity study in rats using dietary concentrations of 0, 50, 200, and 800 ppm (equivalent to doses of 0, 2.49, 9.84, and 39.21 mg/kg bwt/day in males and 0, 3.23, 12.86, and 52.34 mg/kg bwt/day in females). The NOEL for chronic effects other than carcinogenicity is 2.49 mg/kg/day, and the LOEL is 9.84 mg/kg/day based on testicular atrophy in males. No other significant effects were observed in either sex at the stated dose levels over a 2-year period. In addition, no carcinogenic effects were observed in either sex at any of the dose levels tested. Based on the toxicological findings, the maximum tolerated dose (MTD) selected for testing (based on the 90-day feeding study) was not high enough to fully characterize the compound's carcinogenic potential.

The study was repeated at dose levels of 0 and 2,500 ppm (125 mg/kg/day) in the diet, which approaches the MTD, in order to characterize the carcinogenic potential. At 2,500 ppm, the observed effects included: decreases in absolute and relative testes weights, increases in the incidences of centrilobular to midzonal hepatocellular enlargement and vacuolation in the liver of both sexes, increases in bilateral aspermatogenesis in the testes, increases in the incidence of hypospermia and cellular debris in the epididymides, and increased incidence of arteritis/periarteritis in the testes. In this study, a NOEL could not be established because there were effects at the only dose level tested. Myclobutanil was not oncogenic when tested under the conditions of the study.

3. A 2-year carcinogenicity study in mice using dietary concentrations of 0, 20, 100, and 500 ppm (equivalent to 0, 2.7, 13.7, and 70.2 mg/kg/day in males and 0, 3.2, 16.5 and 85.2 mg/kg/day in females). The NOEL for chronic effects other than carcinogenicity was 20 ppm (2.7 mg/kg/day in males and 3.2 mg/kg/day in females). The LOEL was 100 ppm (13.7 mg/kg/day in males and 16.5 mg/kg/day in females) based on a slight increase in liver mixed-function oxidase (MFO). Microscopic changes in the liver were evident in both sexes at 500 ppm (70.2 mg/kg/day in males and 85.2 mg/kg/day in females). There were no carcinogenic effects in either sex at any dose level tested. The highest selected dose was satisfactory for evaluating carcinogenic potential in male mice, but was lower than the MTD in females.

The above study was reevaluated since the increase in the MFO at 3 months in females was not considered to be significant enough to establish an LOEL. The LOEL was raised to 500 ppm (70.2 mg/kg/day for males and 85.2 mg/kg/day for females) based on increases in MFO in both sexes, increases in SGPT values in females and in absolute and relative liver weights in both sexes at 3 months, increased incidences and severity of centrilobular hepatocytic hypertrophy, Kupffer cell pigmentation, periportal punctate vacuolation and individual hepatocellular necrosis in males, and increased incidences of focal hepatocellular alteration and multifocal hepatocellular vacuolation in both sexes. The NOEL has been raised to 100 ppm (13.7 mg/kg/day for males and 16.5 mg/kg/day for females).

An 18-month study was conducted with female mice using a dose level of 2,000 ppm, which approaches the MTD, to evaluate the carcinogenic potential in female mice. In this study, a NOEL could not be established because there were effects at the only dose level tested. These effects included: decreases in body weight and body weight gain, increases in liver weights, hepatocellular hypertrophy, hepatocellular vacuolation, necrosis of single hypertrophied hepatocytes, yellow-brown pigment in the Kupffer cells, and cytoplasmic eosinophilia and hypertrophy of the cells of the zona fasciculata area of the adrenal cortex. Myclobutanil was not oncogenic when tested under the conditions of the study.

4. A rabbit developmental toxicity study at dosages of 0, 20, 60, and 200 mg/kg/day administered by oral gavage. The LOEL for maternal toxicity was 200 mg/kg/day, and the maternal toxicity NOEL was 60 mg/kg/day based on reduced body weight and body weight gain during the dosing period, clinical signs of toxicity, and possibly abortions. THE LOEL for developmental toxicity is 200 mg/kg/day and NOEL for developmental toxicity is 60 mg/kg/day based on increases in resorptions, decreases in litter size, and a decrease in the viability index.

5. A developmental toxicity study on rats treated with dosages of 0, 31.26, 93.77, 312.58, and 468.87 mg/kg/day. The maternal toxicity LOEL was 312.6 mg/kg/day, and maternal toxicity NOEL was 93.8 mg/kg/day based on clinical signs of toxicity. The developmental toxicity LOEL was 312.6 mg/kg/day, and the developmental toxicity NOEL was 93.8 mg/kg/day based on increased incidences of 14th rudimentary and 7th cervical ribs.

6. A two-generation rat reproduction study with dosage rates of 0, 50, 200, and 1,000 ppm (equivalent to 0, 2.5, 10, and 50 mg/kg/day). The parental (systemic) toxicity LOEL was 200 ppm (10 mg/kg/day) and the parental (systemic) toxicity NOEL was 50 ppm (2.5 mg/kg/day) based on hepatocellular hypertrophy and increases in liver weights. The reproductive toxicity LOEL was 1,000 ppm (50 mg/kg/day), and reproductive toxicity NOEL was 200 ppm (10 mg/kg/day) based on an increased incidence in the number of stillborns and atrophy of the testes and prostate. The developmental toxicity LOEL was 1,000 ppm (50 mg/kg/day), and the developmental toxicity NOEL was 200 ppm (10 mg/kg/day) based on a decrease in pup body weight gain during lactation.

7. A reverse mutation assay (Ames), point mutation in CHO/HGPRT cells, *in vitro* and *in vivo* (mouse) cytogenetic assays, unscheduled DNA synthesis, and a dominant-lethal study in rats, all of which were negative for mutagenic effects.

The Reference Dose (RfD) based on the 2-year rat chronic feeding study (NOEL of 2.49 mg/kg bwt/day) and using a hundredfold uncertainty factor is calculated to be 0.025 mg/kg bwt/day. The theoretical maximum residue contribution (TMRC) from previously established tolerances and tolerances established here is 0.002319 mg/kg bwt/day for the general population and utilizes 9% of the RfD. The percentages of the RfD for the most highly exposed subgroups, nonnursing infants (less than 1 year old) and children (1 to 6 years old), are 58% and 25%, respectively. The TMRC was calculated based on the assumption that myclobutanil occurs at the maximum legal limit in all of the dietary commodities for which tolerances are proposed. Even with this probable large overestimate of exposure/risk, the TMRC is well below the RfD for the population as a whole and for each of the 22 subgroups considered. Thus, the dietary risk from exposure to myclobutanil appears to be minimal for the use on stone fruits.

The nature of the residues is adequately understood and adequate

analytical methods, gas liquid chromatography using nitrogen/phosphorus and electron capture detectors, are available for enforcement. Prior to their publication in the Pesticide Analytical Manual, Vol. II, the enforcement methodology is being made available in the interim to anyone who is interested in pesticide enforcement when requested from: Calvin Furlow, Public Information Branch, Field Operations Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 1128C, CM #2, 1921 Jefferson Davis Hwy, Arlington, VA 22202, (703)-305-5232.

The pesticide is considered useful for the purpose for which the tolerances are sought. Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR parts 180 and 185 will protect the public health. Therefore, the tolerances are established as set forth below. By way of public reminder, this document also reiterates the registrant's responsibility under section 6(a)(2) of FIFRA, to submit additional factual information regarding adverse effects on the environment and to human health by these pesticides.

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 issues(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 2F4116 and FAP 2H5644/R2124] (including any 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.

Written objections and requests for hearings, identified by the document control number [PP 2F4116 and FAP 2H5644/R2124], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and requests for hearings can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

A copy of electronic objections and requests for hearings 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 requests for hearings 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 (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).

List of Subjects in 40 CFR Parts 180 and 185

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

Dated: March 30, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, chapter I of the title 40 of the Code of Federal Regulations is 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 § 180.443(a), by revising the table therein, to read as follows:

§ 180.443 Myclobutanil; tolerances for residues.

(a) * * *

Commodity	Parts per million
Apples	0.5
Cherries (sweet and sour)	5.0
Grapes	1.0
Stone fruits (except cherries)	2.0

* * * * *

PART 185—[AMENDED]

2. In part 185:

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

Authority: 21 U.S.C. 346a and 348.

b. In section 185.4350, by revising the table therein, to read as follows:

§ 185.4350 Myclobutanil.

* * * * *

Commodity	Parts per million
Plums, dried	8.0
Raisins	10.0

[FR Doc. 95–10861 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7616]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATE: The effective date of each community's suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Deputy Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Deputy Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows: