contentions on such issues, and a summary of any evidence relied upon by the requestor (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 in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information 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.

II. Public Record and Electronic Submissions

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 Virginia address in ''ADDRESSES'' at the beginning of this document

Electronic comments may be sent directly to EPA at: opp-docket@epamail.epa.gov.

Electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300691]. No CBI should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

III. Regulatory Assessment Requirements

This final rule extends a time-limited tolerance that was previously established by EPA under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). In addition, this final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq*., or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

Since this extension of an existing time-limited tolerance does not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq*.) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

IV. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, 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 this rule in today's **Federal Register**. This is not a ''major rule'' as defined by 5 U.S.C. 804(2).

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 29, 1998.

Arnold E. Layne

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I 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.

§180.293 [Amended]

2. In §180.293, by amending paragraph (b) by changing the date for canola, seed from ''8/31/98'' to read ''2/29/00''.

[FR Doc. 98–21202 Filed 8–6–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180 and 185

[OPP–300697; FRL–6021–7]

RIN 2070–AB78

Flutolanil; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances, to expire on December 31, 2000, for residues of the fungicide flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl)benzoic acid and calculated as flutolanil in or on the raw agricultural commodities rice grain at 2.0 parts per million (ppm) and rice straw at 8.0 ppm and in or on the processed food or feed commodities rice hulls at 7.0 ppm and rice bran at 3.0 ppm when present therein as a result of application of the fungicide to growing crops. AgrEvo USA Company requested the tolerances under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (Pub. L. 104–170).

DATES: This regulation is effective August 7, 1998. Objections and requests

for hearings must be received by EPA on or before October 6, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300697], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests 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 any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300697], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests 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 hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1 or 6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300697]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Mary L. Waller, 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: Crystal Mall #2, Rm 247, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308–9354, e-mail: waller.mary@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 23, 1998 (63 FR 34176)(FRL–5795–1), EPA, issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) announcing the filing of pesticide petition (PP) 4F4380 for tolerances by AgrEvo USA Co., Little Falls Centre One, 2711 Centerville Rd., Wilmington, DE 19808. This notice included a summary of the petition prepared by AgrEvo USA Co., the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.484 be amended by establishing tolerances for residues of the fungicide flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl)benzoic acid and calculated as flutolanil in or on the raw agricultural commodities rice grain at 2.0 ppm and rice straw at 8.0 ppm and in or on the processed food or feed commodities rice hulls at 7.0 ppm and rice bran at 3.0 ppm when present therein as a result of application of the fungicide to growing crops.

I. Risk Assessment and Statutory Findings

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides based primarily on toxicological studies using laboratory animals. These studies address many adverse health effects, including (but not limited to) reproductive effects, developmental toxicity, toxicity to the nervous system, and carcinogenicity. Second, EPA examines exposure to the pesticide through the diet (e.g., food and drinking water) and through exposures that occur as a result of pesticide use in residential settings.

A. Toxicity

1. *Threshold and non-threshold effects.* For many animal studies, a dose response relationship can be determined, which provides a dose that causes adverse effects (threshold effects) and doses causing no observed effects (the ''no-observed effect level'' or ''NOEL'').

Once a study has been evaluated and the observed effects have been determined to be threshold effects, EPA generally divides the NOEL from the study with the lowest NOEL by an uncertainty factor (usually 100 or more) to determine the Reference Dose (RfD). The RfD is a level at or below which daily aggregate exposure over a lifetime will not pose appreciable risks to human health. An uncertainty factor (sometimes called a ''safety factor'') of 100 is commonly used since it is assumed that people may be up to 10 times more sensitive to pesticides than the test animals, and that one person or subgroup of the population (such as infants and children) could be up to 10 times more sensitive to a pesticide than another. In addition, EPA assesses the potential risks to infants and children based on the weight of the evidence of the toxicology studies and determines whether an additional uncertainty factor is warranted. Thus, an aggregate daily exposure to a pesticide residue at or below the RfD (expressed as 100 percent or less of the RfD) is generally considered acceptable by EPA. EPA generally uses the RfD to evaluate the chronic risks posed by pesticide exposure. For shorter term risks, EPA calculates a margin of exposure (MOE) by dividing the estimated human exposure into the NOEL from the appropriate animal study. Commonly, EPA finds MOEs lower than 100 to be unacceptable. This hundredfold MOE is based on the same rationale as the hundredfold uncertainty factor.

Lifetime feeding studies in two species of laboratory animals are conducted to screen pesticides for cancer effects. When evidence of increased cancer is noted in these studies, the Agency conducts a weight of the evidence review of all relevant toxicological data including short-term and mutagenicity studies and structure activity relationship. Once a pesticide has been classified as a potential human carcinogen, different types of risk assessments (e.g., linear low dose extrapolations or MOE calculation based on the appropriate NOEL) will be carried out based on the nature of the carcinogenic response and the Agency's knowledge of its mode of action.

2. *Differences in toxic effect due to exposure duration.* The toxicological effects of a pesticide can vary with different exposure durations. EPA considers the entire toxicity data base,

and based on the effects seen for different durations and routes of exposure, determines which risk assessments should be done to assure that the public is adequately protected from any pesticide exposure scenario. Both short and long durations of exposure are always considered. Typically, risk assessments include ''acute'', ''short-term'', ''intermediate term'', and ''chronic'' risks. These assessments are defined by the Agency as follows.

Acute risk, by the Agency's definition, results from 1–day consumption of food and water, and reflects toxicity which could be expressed following a single oral exposure to the pesticide residues. High end exposure to food and water residues are typically assumed.

Short-term risk results from exposure to the pesticide for a period of 1–7 days, and therefore overlaps with the acute risk assessment. Historically, this risk assessment was intended to address primarily dermal and inhalation exposure which could result, for example, from residential pesticide applications. However, since enaction of FQPA, this assessment has been expanded to include both dietary and non-dietary sources of exposure, and will typically consider exposure from food, water, and residential uses when reliable data are available. In this assessment, risks from average food and water exposure, and high-end residential exposure, are aggregated. High-end exposures from all three sources are not typically added because of the very low probability of this occurring in most cases, and because the other conservative assumptions built into the assessment assure adequate protection of public health. However, for cases in which high-end exposure can reasonably be expected from multiple sources (e.g. frequent and widespread homeowner use in a specific geographical area), multiple high-end risks will be aggregated and presented as part of the comprehensive risk assessment/characterization. Since the toxicological endpoint considered in this assessment reflects exposure over a period of at least 7 days, an additional degree of conservatism is built into the assessment; i.e., the risk assessment nominally covers 1–7 days exposure, and the toxicological endpoint/NOEL is selected to be adequate for at least 7 days of exposure. (Toxicity results at lower levels when the dosing duration is increased.)

Intermediate-term risk results from exposure for 7 days to several months. This assessment is handled in a manner similar to the short-term risk assessment.

Chronic risk assessment describes risk which could result from several months to a lifetime of exposure. For this assessment, risks are aggregated considering average exposure from all sources for representative population subgroups including infants and children.

B. Aggregate Exposure

In examining aggregate exposure, FFDCA section 408 requires that EPA take into account available and reliable information concerning exposure from the pesticide residue in the food in question, residues in other foods for which there are tolerances, residues in groundwater or surface water that is consumed as drinking water, and other non-occupational exposures through pesticide use in gardens, lawns, or buildings (residential and other indoor uses). Dietary exposure to residues of a pesticide in a food commodity are estimated by multiplying the average daily consumption of the food forms of that commodity by the tolerance level or the anticipated pesticide residue level. The Theoretical Maximum Residue Contribution (TMRC) is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. In evaluating food exposures, EPA takes into account varying consumption patterns of major identifiable subgroups of consumers, including infants and children.The TMRC is a ''worst case'' estimate since it is based on the assumptions that food contains pesticide residues at the tolerance level and that 100% of the crop is treated by pesticides that have established tolerances. If the TMRC exceeds the RfD or poses a lifetime cancer risk that is greater than approximately one in a million, EPA attempts to derive a more accurate exposure estimate for the pesticide by evaluating additional types of information (anticipated residue data and/or percent of crop treated data) which show, generally, that pesticide residues in most foods when they are eaten are well below established tolerances.

Percent of crop treated estimates are derived from federal and private market survey data. Typically, a range of estimates are supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of percent of crop treated, the Agency is reasonably certain that exposure is not understated for any significant subpopulation group. Further, regional consumption information is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups, to pesticide residues. For this pesticide, the most highly exposed population subgroup was not regionally based.

II. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of flutolanil and to make a determination on aggregate exposure, consistent with section 408(b)(2), for time-limited tolerances for residues of flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl)benzoic acid and calculated as flutolanil in or on the raw agricultural commodities rice grain at 2.0 ppm and rice straw at 8.0 ppm and in or on the processed food or feed commodities rice hulls at 7.0 ppm and rice bran at 3.0 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Data Base

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by flutolanil are discussed below.

1. *Acute studies.* Acute toxicity studies, except for the acute dermal study, were classified as Toxicity Category IV. The acute dermal study places technical flutolanil in Toxicity Category III (Caution). Data show minimal to slight irritation to the eye. Flutolanil is not a dermal sensitizer and is non-irritating to skin.

2. *Subchronic toxicity testing.* i. A subchronic feeding study in rats was conducted for 3 months. Flutolanil was orally administered at dose levels of 0, 500, 4,000 or 20,000 ppm (0, 37, 299 or 1,512 milligrams/kilograms/day (mg/kg/day) in males and 0, 44, 339 or 1,743 mg/kg/day in females). The systemic Lowest Observed Effect Level (LOEL) is 299 mg/kg/day based on increased absolute and relative liver weights. The systemic No Observed Effect Level (NOEL) is 37 mg/kg/day.

ii. A subchronic oral toxicity study in dogs was conducted for 90 days. Flutolanil was administered orally via

gelatin capsules at dose levels of 0, 80, 400 or 2,000 mg/kg/day. The LOEL for this study was 400 mg/kg/day based on systemic signs of toxicity in the form of enlarged livers and increased severity of glycogen deposition in both males and females. The NOEL was 80 mg/kg/day.

iii. In a 21–day repeated dose dermal toxicity study, flutolanil was administered dermally to rats in 15 applications at doses of 0 or 1,000 mg/kg/day. No LOEL was established for systemic or dermal toxicity. The NOEL for dermal effects was > 1,000 mg/kg/day (limit dose) and the systemic toxicity NOEL was also > 1,000 mg/kg/day (limit dose).

3. *Chronic toxicity studies.* A 2–year dog feeding study was conducted using doses of 0, 50, 250, or 1,250 mg/kg/day. The LOEL is 250 mg/kg/day based on evidence of systemic toxicity in the form of increased incidence of clinical toxic signs (emesis, salivation and soft stool), lower body weight gains and decreased food consumption. The NOEL is 50 mg/kg/day.

4. *Carcinogenicity.* i. In a 2–year combined chronic toxicity/carcinogenicity study, technical grade flutolanil was administered in the diet to rats at dose levels of 0, 40, 200, 2,000, or 10,000 ppm (0, 1.8, 8.7, 86.9, or 460 mg/kg/day for males and 0, 2.1, 10, 103.1 or 535.8 mg/kg/day for females. The LOEL for systemic toxicity for males is 460.5 mg/kg/day and 535.8 mg/kg/day for females based on reduced body weight and body weight gain in males, along with decreased absolute and relative weights in females. The NOEL for systemic toxicity is 86.9 mg/kg/day for males and 103.1 mg/kg/day for females. Flutolanil was not carcinogenic under the conditions of this study.

ii. A carcinogenicity study in mice was conducted for 78 weeks in which technical flutolanil was administered in the diet at 0, 300, 1,500, 7,000 or 30,000 ppm (0, 32, 162, 735, or 3,333 mg/kg/day for males and 0, 34, 168, 839, or 3,676 mg/kg/day for females). The LOEL for systemic toxicity is 3,333 mg/kg/day in males and 839 mg/kg/day for females based on significant decreases in body weight gains in the high dose tested. The NOEL is 735 mg/kg/day in males and 162 mg/kg/day in females. Flutolanil was not carcinogenic under the conditions of this study.

5. *Developmental toxicity.* i. In a developmental toxicity study in rats, flutolanil was administered orally via oral gavage at dose levels of 0, 40, 200 or 1,000 mg/kg/day on gestational days (GDs) 6–15, inclusive. No maternal toxicity was observed at any dose level. No compound-related effects were observed at any dose level for developmental toxicity. No Maternal LOEL was established. The maternal NOEL is > 1,000 mg/kg/day (limit dose). A developmental LOEL was not established. The developmental NOEL is > 1,000 mg/kg/day (limit dose).

ii. In a developmental toxicity study, rabbits were administered flutolanil via oral gavage at dose levels of 0, 40, 200 or 1,000 mg/kg/day on GDs 6–18, inclusive. No significant maternal or developmental toxicity was noted at the dose levels tested. The maternal toxicity NOEL is > 1,000 mg/kg/day, the developmental toxicity LOEL is > 1,000 mg/kg/day and the developmental toxicity NOEL is > 1,000 mg/kg/day.

6. *Reproductive toxicity.* i. In a three-generation reproduction and developmental study, flutolanil was administered in the diet to rats at 0, 1,000 or 10,000 ppm (equivalent to 0, 63.7 or 661.8 mg/kg/day in males and 0, 86.3 or 880.8 mg/kg/day for females). For the reproduction segment of this study, flutolanil at the highest levels produced offspring systemic toxicity in the form of reduced pup body weights and body weight gains in both males and females. There was no treatment related clinical toxicity signs, mortality, differences in food consumption or efficiency and water consumption. No treatment related effects were noted on mating performance, duration of pregnancy and litter size. Provided gross examination data was limited. Organ weights showed increases in absolute and relative liver weights in the high dose males and females across generations. This effect is consistent with observations found in other chronic toxicity studies. The offspring systemic toxicity LOEL is 661.8 mg/kg/day. The offspring systemic toxicity NOEL is 63.7 mg/kg/day. For the developmental segment, there may have been an effect in both dose groups in the form of reduced fetal body weights. Fetal examinations showed no treatment related effects on gross or skeletal examinations. Visceral examination revealed a possible treatment related increase in enlargement of the renal pelvis (statistically significant in the high dose group). These studies were classified as supplementary due to deficiencies. A discussion of the study is included because the reference dose (RfD) was established based on this study.

ii. In a two-generation reproductive toxicity study, technical flutolanil was administered daily in the diet to rats at 0, 200, 2,000 or 20,000 ppm (during premating, for males 0, 16, 159, or 1,625 mg/kg/day and for females 0, 19, 190, or 1,936 mg/kg/day. No compound-related parental effects were observed in either sex or generation. Consequently, the LOEL for parental toxicity was not determined and the NOEL for parental toxicity is > 1,625 mg/kg/day (exceeds limit dose).

7. *Mutagenicity.* Mutagenicity studies included: *In vitro* Aberrations in Don Cells, Mouse Micronucleus, Mammalian Cells in Culture Cytogenetics Assay in Human Lymphocytes, *Salmonella* and *E. coli* Reverse Mutation Assays, *In vitro* Unscheduled DNA Synthesis Assays in Primary Rat Hepatocytes, and Gene Mutation in Cultured Mammalian Cells (Mouse Lymphoma Cells). The *In vitro* Aberrations in Don Cells study was positive for inducing chromosomal aberrations in cultured Chinese hamster lung cells in the presence of metabolic activation. All other studies were negative.

8. *Metabolism.* In a metabolism study in rats, disposition and metabolism of 14C-flutolanil was investigated at a low oral dose of 20 mg/kg/day, repeated low oral doses of 20 mg/kg for 14 days, and a single high dose of 1,000 mg/kg. Absorption of flutolanil was incomplete at the single low and high doses, but appeared to be increased after repeated low oral dosing. There were no appreciable tissue levels of flutolanil at study termination. At the single low oral dose, excretion in urine and feces was equivalent, with approximately 40% of an administered dose excreted via each route in male and female rats. Repeated low dosing resulted in an increased percentage in urine (approximately 70%) with a corresponding decrease in fecal excretion. At the single high dose, the majority of the radioactivity (66–78%) was excreted via the feces, with less than 10% found in urine. Identification of urinary and fecal metabolites by TLC showed the presence of the major metabolite M4 (desisopropylflutolanil) in urine in all dose groups. In feces, radioactivity was excreted mainly as parent compound, with limited conversion to M4.

9. *Neurotoxicity.* There have been no clinical neurotoxic signs or other types of neurotoxicity observed in any of the evaluated toxicology studies.

10. *Other toxicological considerations.* Flutolanil has a complete data base and no other toxicological concerns have been identified in the evaluated studies.

B. Toxicological Endpoints

1. *Acute toxicity.* EPA has determined that data do not indicate the potential for adverse effects after a single dietary exposure.

2. *Short - and intermediate - term toxicity.* No appropriate endpoints were

identified for short - term (1–7 days), or intermediate-term (1 week to several months) exposure.

3. *Chronic toxicity*. EPA has established the Reference dose (RfD) for flutolanil at 0.63 mg/kg/day. This RfD is based on the reproductive toxicity study in rats with a NOEL of 63 mg/kg/day and an uncertainty factor of 100.

4. *Carcinogenicity*. Using its Guidelines for Carcinogen Risk Assessment published September 24, 1986 (51 FR 33992), EPA has classified flutolanil as a Group E chemical--''Evidence of Non-carcinogenicity for Humans'' --based on the results of carcinogenicity studies in two species. The doses tested are adequate for identifying a cancer risk.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.484 and 185.3385) for flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl)benzoic acid and calculated as flutolanil in or on the raw agricultural commodities peanuts, peanut hay and hulls, meat, milk, poultry and eggs and the processed food commodity peanut meal. Time-limited tolerances were previously established for the raw agricultural commodities rice grain and rice straw and for the processed food commodities rice hulls and rice bran. These time-limited tolerances expired and are being reestablished in today's action. Risk assessments were conducted by EPA to assess dietary exposures and risks from flutolanil as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure. EPA did not identify an acute dietary toxicological endpoint and thus, flutolanil is not considered to pose an acute dietary risk.

ii. *Chronic exposure and risk.* Chronic dietary (food only) exposure analyses were performed using tolerance level residues and 100 percent crop treated information to estimate the Theoretical Maximum Residue Contribution (TMRC) for the general population and 22 subgroups. The existing flutolanil tolerances and the added tolerances for rice commodities result in an exposure that is equivalent to 0.2% of the RfD for the U.S. population and 0.5% for children (1–6 years old). Even without refinement, the chronic dietary risk exposure to flutolanil appears to be minimal for use of flutolanil on rice and does not exceed the RfD for any of the subgroups.

2. *From drinking water.* There is no established Maximum Contaminant Level for residues of flutolanil in drinking water. No Health Advisory Levels for flutolanil in drinking water have been established. The ''Pesticides in Groundwater Database'' has no information concerning flutolanil. Estimates of ground and surface water concentrations for flutolanil were determined based on a maximum annual application rate of 1.0 pound active ingredient/acre. The surface water numbers are based on the results of a Generic Environmental Concentration (GENEECX/beta version) model. The modeling results indicated that flutolanil has the potential to contaminate surface waters through erosion of soil particles to which flutolanil is adsorbed or through off-site draining of rice paddy water containing the chemical. The ground water numbers are based on a screening tool, SCI-GROW, which tends to overestimate the true concentration in the environment. These modeling results indicate that flutolanil will not be found in significant concentrations in groundwater. For acute effects, the surface water estimated environmental concentration (EEC) was determined to be 565 parts per billion (ppb). For chronic effects the surface water EEC was 542 ppb. The estimated groundwater concentration for both acute and chronic effects is 0.399 ppb

i. *Acute exposure and risk.* No acute risk is expected from exposure to flutolanil.

ii. *Chronic exposure and risk.* Chronic exposure is calculated based on surface water. Chronic exposure from ground water is lower. Chronic exposure (mg/kg/day) is calculated by multiplying the concentration in water in mg/l by the daily consumption (2l/day for male and female adults and 1l/day for children) and dividing this figure by average weight (70 kg for males, 60 kg for females and 10 kg for children). For adult males, exposure is 0.015 mg/kg/day; for adult females, 0.018 mg/kg/day; and for children, 0.054 mg/kg/day. Chronic risk (non-cancer) from surface water, using EPA's conservative model for estimating exposure through surface water, was calculated to be 2.4% of the Rfd for males, 2.9% for females and 8.6% for children.

3. *From non-dietary exposure.* Flutolanil is not currently registered for use on non-food sites. Therefore, acute, short - and intermediate-term and chronic (non-cancer) occupational or residential risk assessments are not required

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' The Agency believes that ''available information'' in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through the examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical specific data, much of which may not be presently available.

Although at present the Agency does not know how to apply the information in its files concerning common mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which case the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

EPA does not have, at this time, available data to determine whether flutolanil has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides

for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, flutolanil does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that flutolanil has a common mechanism of toxicity with other substances.

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* No acute dietary risks were identified.

2. *Chronic risk.* Using the unrefined exposure assumptions described above, EPA has concluded that aggregate exposure to flutolanil from food will utilize 0.2% of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is children (1–6 years old) which is discussed below. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to flutolanil in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure. No short- or intermediate-term risk is expected from the use of flutolanil.

4. *Aggregate cancer risk for U.S. population.* Flutolanil is classified as Category E: not carcinogenic in two acceptable animal studies. Since flutolanil is not carcinogenic, there would be no expected risk of cancer in humans from the use of flutolanil.

5. *Conclusion.* EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to flutolanil residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*— i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of flutolanil, EPA considered data from developmental toxicity studies in the rat and rabbit and a three-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined inter- and intra-species variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies*— a. *Rats.* No maternal toxicity was observed at any dose level. No compound-related effects were observed at any dose level for developmental toxicity. A maternal LOEL was not established. The maternal NOEL is ≧ 1,000 mg/kg/day (limit dose). A developmental LOEL was not established. The developmental NOEL is ≧ 1,000 mg/kg/day (limit dose).

b. *Rabbits.* In the developmental toxicity study in rabbits, no significant maternal or developmental toxicity was noted at the dose levels tested. The maternal toxicity LOEL is > 1,000 mg/kg/day and the maternal toxicity NOEL is ≧ 1,000 mg/kg/day. The developmental toxicity LOEL is > 1,000 mg/kg/day and the developmental toxicity NOEL is ≧ 1,000 mg/kg/day.

iii. *Reproductive toxicity study*— a. *Rats.* In the 3-generation reproduction and development study in rats, systemic toxicity was noted in offspring at the highest dose in the form of reduced pup body weights and body weight gains during the lactation period and subsequent reduced adult body weights in both males and females. There were no treatment related clinical toxicity signs, mortality, differences in food consumption or efficiency and water consumption. No treatment related effects were noted on mating performance, duration of pregnancy and litter size. Organ weights showed increases in absolute and relative liver weights in the high dose males and females across generations. This effect is consistent with observations found in other chronic toxicity studies. The offspring systemic toxicity LOEL is 661.8 mg/kg/day. The offspring systemic toxicity NOEL is 63.7 mg/kg/day. For the developmental segment, there may have been an effect in both dose groups in the form of reduced fetal body weights. Fetal examinations showed no treatment related effects on gross or skeletal examinations. Visceral examination revealed a possible treatment related increase in enlargement of the renal pelvis in the high dose group.

b. *Rats.* In a two-generations reproductive toxicity study, no compound-related parental effects were observed in either sex or generation. The LOEL for parental toxicity was not determined and the NOEL for parental toxicity is > 1,625 mg/kg/day (exceeds limit dose).

iv. *Pre- and post-natal sensitivity.* The pre- and post-natal toxicology data base for flutolanil is complete with respect to current toxicological data requirements. Based on the developmental and reproductive toxicity studies discussed above, there does not appear to be an extra sensitivity for pre- or post-natal effects.

v. *Conclusion.* EPA concludes that reliable data support use of the hundredfold uncertainty factor and that an additional tenfold factor is not needed to ensure the safety of infants and children from dietary exposure.

2. *Acute risk.* No acute dietary risk has been identified.

3. *Chronic risk.* Using the conservative exposure assumptions described above, EPA has concluded that exposure to flutolanil from food will utilize 0.2% of the Rfd for the U.S. population and 0.5% for children 1–6 years old. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to flutolanil in drinking water and from non-dietary, non-occupational exposure, EPA does not expect the aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to flutolanil residues.

4. *Short- or intermediate-term risk.* No appropriate endpoints were identified for short- or intermediate-term exposure, therefore, no unreasonable adverse effects are expected to result from the use of flutolanil.

5. *Conclusion.* EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to flutolanil residues.

III. Other Considerations

A. Endocrine Disrupter Effects

EPA is required to develop a screening program to determine whether certain substances (including all pesticides and inerts) ''may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect ....'' The Agency is currently working with interested stakeholders, including other government agencies, public interest groups, industry and research scientists in developing a screening and testing program and a priority setting scheme to implement this program. Congress has allowed 3 years from the passage of FQPA (August 3, 1999) to implement this program. At that time, EPA may require further testing of this active ingredient and end use products for endocrine disrupter effects.

B. Metabolism In Plants and Animals

1. *Plants.* Based on the three metabolism studies on peanuts, rice and cucumbers (which indicate a similar metabolic route for crops in three different crop groups), the nature of the residues is adequately understood. The residues of concern for flutolanil consist of flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-trifluoromethyl)benzamide and identified metabolites containing the common moiety, 2-trifluoromethyl benzanilide. The tolerance expression takes cognizance of this and is expressed in the terms of the analytical derivative of this common moiety. The residue of concern in plants consists of flutolanil and metabolites convertible to the methyl ester of 2-trifluoromethyl benzoic acid.

2. *Animals.* The nature of the residue in animals is adequately understood. The residues of concern in animal commodities are flutolanil and identified metabolites containing the common moiety, 2-trifluoromethyl benzanilide and that can be converted to the methyl ester of 2-trifluoromethyl benzoic acid. .

C. Analytical Enforcement Methodology

The residue analytical method will be forwarded to FDA for publication after the Agency has concluded its review of the independent validation of the method which is currently under review. This method is available for limited distribution from: By mail, Calvin Furlow, Public Information and Records Integrity Branch, Information Resources and Services Division, (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Crystal Mall #2, Rm. 101FF, 1921 Jefferson Davis Hwy., Arlington, VA 22202 (703) 305–5229. The method has the following disclaimer: This method is for use only by experienced chemists who have demonstrated knowledge of the principles of trace organic analysis; and have proven skills and abilities to run a complex residue analytical method obtaining accurate results at the part per billion level. Users of this method are expected to perform additional method validation prior to using the method for either monitoring or enforcement. The method can detect gross misuse.

D. Magnitude of Residues

The residues of flutolanil and its metabolites converted to 2-(trifluoromethyl)benzoic acid resulting from the use on rice will not exceed 2.0 ppm in rice grain, 8.0 ppm in rice straw, 7.0 ppm in rice hulls or 3.0 ppm in rice bran. Residue data for animal commodities indicated that the currently established tolerances are adequate to cover the use of flutolanil on rice.

E. International Residue Limits

There are no Codex, Canadian or Mexican residue limits established for flutolanil on rice. Therefore, no compatibility problems exist for the proposed tolerances on rice.

F. Rotational Crop Restrictions.

Rotational crop restrictions for rice include: 240 day restriction for soybeans or grain sorghum and 12 months for all other crops except peanuts and rice.

IV. Conclusion

Therefore, time-limited tolerances, to expire on December 31, 2000, are established for the residues of the fungicide flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl)benzoic acid and calculated as flutolanil in or on the raw agricultural commodities rice grain at 2.0 ppm and rice straw at 8.0 ppm and in or on the processed food or feed commodities rice hulls at 7.0 ppm and rice bran at 3.0 ppm when present therein as a result of application of the fungicide to growing crops. The tolerances are time-limited to allow the Agency adequate time to review additional residue studies and to review the method validation for flutolanil which have already been submitted.

V. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by October 6, 1998, file written objections to any aspect of this 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 issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (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 in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request 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 information 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.

VI. Public Record and Electronic Submissions

EPA has established a record for this rulemaking under docket control number [OPP–300697] (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 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may 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 Virginia address in ''ADDRESSES'' at the beginning of this document.

VII. Regulatory Assessment Requirements

This final rule establishes time-limited tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, since these tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the time-limited tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions was published on May 4, 1981 (46 FR 24950) and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 180

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

40 CFR Part 185

Environmental protection, Food additives, Pesticides and pests.

Dated: July 29, 1998.

Arnold E. Layne,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I 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. Section 180.484 is amended as follows:

i. By adding a paragraph heading ''General'' to paragraph (a).

ii. By redesignating the text in paragraph (a) as paragraph (a)(1), ''Permanent tolerances.''

iii. By adding paragraph (a)(2).

iv. By adding a heading to paragraph (b) and removing and reserving the text of the paragraph.

v. By adding paragraphs (c) and (d) with headings and reserving the text of those paragraphs.

The added text reads as follows:

§ 180.484 Flutolanil; tolerances for residues.

(a) *General* — (1) *Permanent tolerances.* * * *

(2) *Time-limited tolerances.* Time-limited tolerances are established for the residues of the fungicide flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil in or on the following agricultural commodities:

Commodity	Parts per million	Expiration/ Revocation Date
Rice, grain	2.0	12/31/00
Rice, straw	8.0	12/31/00
Rice, bran	3.0	12/31/00
Rice, hulls	7.0	12/31/00

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

PART 185 —[AMENDED]

2. In part 185:

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

Authority: 21 U.S.C. 348.

§ 180.3385 [Removed]

b. In § 185.3385, in the table to paragraph (a), the entry for ''peanut meal'' is transferred and alphabetically added to the table in paragraph (a)(1) of § 180.484. The remainder of § 185.3385 is removed.

[FR Doc. 98–20899 Filed 8–6–98; 8:45 am]

BILLING CODE 6560–50–F .

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7693]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638–6620.

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 measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Associate Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Associate Director finds that the delayed effective dates would be contrary to the public interest. The Associate Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

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 Associate Director certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U. S. C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

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:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/Location	Community No.	Effective date of eligibility	Current effective map date
New Eligibles—Emergency Program			
Alaska: Shishmaref, city of, Nome Division	020084	June 5, 1998.	
Georgia: Metter, city of, Chandler County	130564	.....do.	
Oglethorpe County, unincorporated	130370	June 10, 1998	May 28, 1976.
Arkansas: Burdette, city of, Mississippi County	050602	June 15, 1998..	
Illinois: Witt, city of, Montgomery County	171075	.....do	
Georgia: Ocilla, city of, Irwin County	130565	June 17, 1998.	
Kentucky: Jeffersonville, city of Montgomery County	210358	June 29, 1998	Sept. 8, 1978.
Florida: Weeki Wachee, city of, Hernando County	120413	June 30, 1998	July 23, 1976.
Texas: Jack County, unincorporated areas	480377	.....do.	
New Eligibles—Regular Program			
Pennsylvania: Seward, borough of, Westmoreland County.	422738	June 9, 1998	August 5, 1997.