

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.

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 address in "ADDRESSES" at the beginning of this document.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12866.

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 Part 180

Environmental protection,
Administrative practice and procedure,

Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 3, 1996.

Susan Lewis,

Acting 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. Section 180.1001, paragraph (c), the table is amended by adding alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirements of a tolerance.

* * * * *
(c) * * *

Ingredients	Limits	Uses
<p style="text-align: center;">* * *</p> <p>Xanthan gum-modified, produced by the reaction of xanthan gum and glyoxal (maximum 0.3% by weight).</p> <p style="text-align: center;">* * *</p>	<p style="text-align: center;">* * *</p> <p>Not more than 0.5% of pesticide formulation.</p> <p style="text-align: center;">* * *</p>	<p style="text-align: center;">* * *</p> <p>Surfactant</p> <p style="text-align: center;">* * *</p>

[FR Doc. 96-10916 Filed 5-2-96; 8:45 am]
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40 CFR Part 180

[PP 5F4600/5H5733/R2233; FRL-5364-5]
RIN 2070-AB18

Imidacloprid; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine and its metabolites in or on pome fruits. Bayer Corporation (formerly Miles, Inc.) requested this regulation to establish these maximum permissible levels for residues of the insecticide.

EFFECTIVE DATES: This regulation became effective April 19, 1996.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [PP 5F4600/

5H5733/R2233], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. An electronic copy of objections and hearing requests filed with Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis H. Edwards, Jr., Product Manager (PM) 19, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-6386; e-mail: edwards.dennis@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice in the Federal Register of November 15, 1995 (60 FR 57423), which announced that Bayer Corporation, 8400 Hawthorn Road, P.O. Box 4913, Kansas City, MO 64120-0013, had submitted pesticide petition 5F4600/5H5733 to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish tolerances for residues of the insecticide 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine in or on pome fruit (fresh fruit) including apple, pear, crabapple, loquat, mayhaw, pear

(oriental) and quince, at 0.6 ppm and a Food Additive Tolerance (FAT) 5H5733 in or on apples, pomace (wet or dried) at 4.0 ppm. There were no comments or request for referral to an advisory committee received in response to this notice of filing. Subsequent to the notice of filing Bayer submitted a revised Section F deleting the 4 ppm apple pomace tolerance that was proposed in the pome fruit petition. The reason apple pomace was deleted is because dried apple pomace is no longer considered a significant livestock feedstuff in the Agency's September 1995 revised Table II and there is no significant concentration from apples to wet apple pomace.

All relevant materials have been evaluated. The toxicology data considered in support of the tolerance include:

1. A three-generation rat reproduction study with a no-observed-effect level (NOEL) of 100 ppm (8 mg/kg/bwt); rat and rabbit developmental toxicity studies were negative at doses up to 30 mg/kg/bwt and 24 mg/kg/bwt, respectively.

2. A 2-year rat feeding/carcinogenicity study that was negative for carcinogenic effects under the conditions of the study and had a NOEL of 100 ppm (5.7 mg/kg/bwt in male and 7.6 mg/kg/bwt female) for noncarcinogenic effects that included decreased body weight gain in females at 300 ppm and increased thyroid lesions in males at 300 ppm and females at 900 ppm.

3. A 1-year dog feeding study with a NOEL of 1,250 ppm (41 mg/kg/bwt).

4. A 2-year mouse carcinogenicity study that was negative for carcinogenic effects under conditions of the study and that had a NOEL of 1,000 ppm (208 mg/kg/day).

There is no cancer risk associated with exposure to this chemical. Imidacloprid has been classified under "Group E" (no evidence of carcinogenicity) by EPA's OPP/HED's Reference Dose (RfD) Committee.

The reference dose (RfD) based on the 2-year rat feeding/carcinogenic study with a NOEL of 5.7 mg/kg/bwt and 100-fold uncertainty factor, is calculated to be 0.057 mg/kg/bwt. The theoretical maximum residue contribution (TMRC) from published uses is 0.008187 mg/kg/bwt/day utilizing 14.4% of the RfD. The tolerance will increase the TMRC by .000154 mg/kg/day representing an increase in the ADI of 0.3%. Thus the TMRC will be .008340 mg/kg/day utilizing 14.6% of the RfD. For exposure of the most highly exposed subgroups in the population, children (ages 1-6), the TMRC for the tolerances is 0.016570 mg/kg/day. This is equal to 29.1% of the

RfD. Dietary exposure from the existing uses and proposed use will not exceed the reference dose for any subpopulation (including infants and children) based on the information available from EPA's Dietary Risk Evaluation System.

The nature of the imidacloprid residue in plants and livestock is adequately understood. The residues of concern are combined residues of imidacloprid and its metabolites containing the 6-chloropyridinyl moiety, all calculated as imidacloprid. The analytical method is a common moiety method for imidacloprid and its metabolites containing the 6-chloropyridinyl moiety using a permanganate oxidation, silyl derivatization, and capillary GC-MS selective ion monitoring. Imidacloprid and its metabolites are stable in the commodities when frozen for at least 24 months. There are adequate amounts of geographically representative crop field trial data to show that combined residues of imidacloprid and its metabolites, all calculated as imidacloprid, will not exceed the proposed tolerance when used as directed.

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

This pesticide is considered useful for the purposes for which the tolerance is sought and capable of achieving the intended physical or technical effect. Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 will protect the public health. Therefore, these tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied

upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

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 Part 180

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

Dated: April 19, 1996.
 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. Section 180.472(a) is amended in
 the table therein by adding in
 alphabetical order the following
 commodity to read as follows:

**§ 180.472 1-[(6-Chloro-3-pyridinyl)methyl]-
 N-nitro-2-imidazolidinimine; tolerances for
 residues.**

(a) * * *

Commodity	Parts per mil- lion
* * *	* *
Pome fruits crop group	0.6
* * *	* *
* * * * *	* *

[FR Doc. 96-10915 Filed 5-02-96; 8:45 am]
 BILLING CODE 6560-50-F

**FEDERAL EMERGENCY
 MANAGEMENT AGENCY**

44 CFR Part 64

[Docket No. FEMA-7640]

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 Acting 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 Acting 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.