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.

IX. Regulatory Assessment Requirements

This final rule establishes tolerances under FFDCA section 408(l)(6). 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 under FFDCA section 408 (l)(6), such as the 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 acations published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

X. 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 in 40 CFR Part 180

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

Dated: July 16, 1998.

James Jones,

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.

2. Section 180.511 is amending paragraph (b) by alphabetically adding the following entries to the table to read as follows:

§ 180.511 Buprofezin; tolerances for residues

* * * * *

(b) * * *

Commodity	Parts per million	Expiration/ Revocation Date
* *	* *	*
Cucurbits	0.5	12/31/99
* *	* *	*
Tomatoes	0.7	12/31/99
Tomato paste	1.0	12/31/99

* * * * *

[FR Doc. 98–20906 Filed 8–4–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300688; FRL–6018–4]

RIN 2070–AB78

Fluroxypyr 1-Methylheptyl Ester; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for the combined residues of fluroxypyr 1-methylheptyl ester and its metabolite fluroxypyr in or on wheat, barley, field corn, and sweet corn. This action is in response to EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on wheat, barley, field corn, and sweet corn. This regulation establishes a maximum permissible level for residues of fluroxypyr 1-methylheptyl ester and its metabolite fluroxypyr in these food commodities pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. These tolerances will expire and are revoked on December 1, 1999.

DATES: This regulation is effective August 5, 1998. Objections and requests for hearings must be received by EPA on or before October 5, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300688], 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–300688], 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 5.1/6.1 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–300688]. 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: Andrew Ertman, 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, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308–9367, e-mail: ertman.andrew@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing tolerances for the combined residues of the herbicide fluroxypyr 1-methylheptyl ester and its metabolite fluroxypyr, in or on wheat and barley, grain at 0.5 parts per million (ppm); wheat, forage at 12.0 ppm; wheat and barley, hay at 20.0 ppm; wheat and barley, straw at 12.0 ppm; aspirated grain fractions at 0.6 ppm; corn, sweet, K + CWHR at 0.05 ppm; corn, sweet, forage at 2.0 ppm; corn, sweet, stover at 2.5 ppm; corn, field, grain at 0.05 ppm; corn, field, forage at 2.0 ppm; corn, field, stover at 2.5 ppm; meat, fat, and meat byproducts (except kidney) of cattle, goats, hogs, horses, and sheep 0.1 ppm; kidney of cattle, goats, hogs, horses, and sheep 0.5 ppm; milk 0.1 ppm. These tolerances will expire and are revoked on December 1, 1999. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104–170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 *et seq*., and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq*. The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described below and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996)(FRL–5572–9).

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. . . .''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

Because decisions on section 18-related tolerances must proceed before EPA reaches closure on several policy issues relating to interpretation and implementation of the FQPA, EPA does not intend for its actions on such tolerance to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.

II. Emergency Exemption for Fluroxypyr 1-Methylheptyl Ester on Wheat, Barley, Field Corn, and Sweet Corn and FFDCA Tolerances

Fluroxypyr 1-methylheptyl ester was requested to control volunteer potatoes. It was stated that volunteer potatoes are one of the main sources for overwintering of obligate pests of potatoes including late blight and leafroll virus. The populations of volunteer potatoes are closely related to the severity of winter temperature conditions. When soil temperatures reach levels low enough to freeze tubers remaining in the soil after harvest, volunteer potatoes are generally not a problem. However, following mild winters, volunteer potatoes are always present in crops following potatoes in the rotation. Sustained temperatures of 28°F or less are required to kill the tubers and prevent emergence of volunteers.

The applicants stated that volunteer potato populations will be high in 1998 and that volunteer potato plants will act as a source of infection from both late blight and leafroll virus. EPA has authorized under FIFRA section 18 the use of fluroxypyr 1-methylheptyl ester on wheat, barley, field corn, and sweet corn for control of volunteer potatoes in Idaho, Michigan, Montana, Washington and kochia in North Dakota, and South Dakota. After having reviewed the submission, EPA concurs that emergency conditions exist for these States.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of fluroxypyr 1-methylheptyl ester in or on wheat, barley, field corn, and sweet corn. In doing so, EPA considered the new safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the new safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing these tolerances without notice and opportunity for public comment under section 408(e), as provided in section 408(l)(6). Although these tolerances will expire and are revoked on December 1, 1999, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on wheat, barley, field corn, and sweet corn after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful

under FIFRA, and the residues do not exceed a level that was authorized by this tolerance at the time of that application. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these tolerances are being approved under emergency conditions EPA has not made any decisions about whether fluroxypyr 1-methylheptyl ester meets EPA's registration requirements for use on wheat, barley, field corn, and sweet corn or whether permanent tolerances for these uses would be appropriate. Under these circumstances, EPA does not believe that these tolerances serve as a basis for registration of fluroxypyr 1-methylheptyl ester by a State for special local needs under FIFRA section 24(c). Nor do these tolerances serve as the basis for any State other than Idaho, Michigan, Montana, Washington, North Dakota, and South Dakota to use this pesticide on these crops under section 18 of FIFRA without following all provisions of section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for fluroxypyr 1-methylheptyl ester, contact the Agency's Registration Division at the address provided above.

III. Risk Assessment and Statutory Findings

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% 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 100-fold MOE is based on the same rationale as the 100-fold 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 (non-nursing infants <1 year old) was not regionally based.

IV. 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 fluroxypyr 1-methylheptyl ester and to make a determination on aggregate exposure, consistent with section 408(b)(2), for time-limited tolerances for combined residues of fluroxypyr 1-methylheptyl ester and its metabolite fluroxypyr on wheat and barley, grain at 0.5 ppm; wheat, forage at 12.0 ppm; wheat and barley, hay at 20.0 ppm; wheat and barley, straw at 12.0 ppm; aspirated grain fractions at 0.6 ppm; corn, sweet, K + CWHR at 0.05 ppm; corn, sweet, forage at 2.0 ppm; corn, sweet, stover at 2.5 ppm; corn, field, grain at 0.05 ppm; corn, field, forage at 2.0 ppm; corn, field, stover at 2.5 ppm; meat, fat, and meat byproducts (except kidney) of cattle, goats, hogs, horses, and sheep 0.1 ppm; kidney of cattle, goats, hogs, horses, and sheep 0.5 ppm; milk 0.1 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

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 fluroxypyr 1-methylheptyl ester are discussed below.

1. *Acute toxicity*. For acute dietary risk assessment, the Agency is using a NOEL of 100 milligrams/kilogram/day (mg/kg/day), based on developmental effects (postimplantation loss) at the lowest effect level (LEL) of 250 mg/kg/day, from a developmental study in rabbits. This risk assessment will evaluate acute dietary risk to females 13+ years, the population subgroup of concern. An MOE of 300 is required because of FQPA considerations.

2. *Short - and intermediate - term toxicity*. For short and intermediate-term risk assessment, the Agency is using a NOEL of 100 mg/kg/day, based on developmental effects (postimplantation loss) at the LEL of 250 mg/kg/day, from a developmental study in rabbits. An MOE of 300 is required because of FQPA considerations.

3. *Chronic toxicity*. EPA has established the RfD for fluroxypyr 1-methylheptyl ester at 0.50 mg/kg/day. The RfD was established based on a 4-week range finding study in dogs with a NOEL of 50 mg/kg/day and an uncertainty factor of 100 based on histopathological lesions in the kidneys, decreased testes weight, and increased adrenal weight at the LEL of 150 mg/kg/day.

4. *Carcinogenicity*. Fluroxypyr has been classified as a ''not likely'' carcinogenic chemical by the Agency.

B. Exposures and Risks

1. *From food and feed uses*. No tolerances have been established for residues of fluroxypyr 1-methylheptyl ester. Risk assessments were conducted by EPA to assess dietary exposures and risks from fluroxypyr 1-methylheptyl ester 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 one day or single exposure. The acute dietary (food only) risk assessment used the TMRC. The exposure estimate for females (13+ years) results in a dietary (food only) MOE of 50,000. This should be viewed as a conservative risk estimate; refinement using anticipated residue values and percent crop-treated data in conjunction with Monte Carlo analysis would result in a lower acute dietary exposure estimate.

ii. *Chronic exposure and risk*. In conducting this chronic dietary risk assessment, EPA has made very conservative assumptions -- 100% of wheat, barley, field corn, and sweet corn and all other commodities having fluroxypyr 1-methylheptyl ester tolerances will contain fluroxypyr 1-methylheptyl ester residues and those residues would be at the level of the tolerance -- which result in an overestimation of human dietary exposure. Thus, in making a safety determination for this tolerance, HED is taking into account this conservative exposure assessment.

The existing fluroxypyr 1-methylheptyl ester tolerances (published, pending, and including the necessary section 18 tolerances) result in a TMRC that is equivalent to the following percentages of the RfD:

Population Subgroup	%RfD
U.S. Population (48 States)	0.41%
U.S. Population - Fall Season	0.43%
U.S. Population - Winter Season	0.43%
Northeast Region	0.43%
North Central Region	0.43%
Western Region	0.44%
Hispanics	0.48%

Population Subgroup	%RfD
Non-Hispanic Whites	0.42%
Non-Hispanic Others	0.43%
Nursing Infants (<1 year old)	0.39%
Non-Nursing Infants (<1 year old)	1.55%
Children (1-6 years old)	1.06%
Children (7-12 years old)	0.69%
Males (13-19 years old)	0.46%

The subgroups listed above are: (1) the U.S. population (48 states); (2) those for infants and children; and, (3) the other subgroups for which the percentage of the RfD occupied is greater than that occupied by the subgroup U.S. population (48 states).

2. *From drinking water.* In terrestrial and aquatic environments, fluroxypyr 1-methylheptyl ester is rapidly hydrolyzed to fluroxypyr. Fluroxypyr is further degraded (although less rapidly) by microbes to 4-amino-3,5-dichloro-6-fluoro-pyridin-2-ol (''pyridinol'') and 4-amino-3,5-dichloro-6-fluoro-2-methoxypyridine (''methoxypyridine''). In aerobic environments, fluroxypyr, pyridinol, and methoxypyridine are ultimately degraded to carbon dioxide.

There are no established Maximum Contaminant Levels for residues of fluroxypyr 1-methylheptyl ester in drinking water. No health advisory levels for fluroxypyr 1-methylheptyl ester in drinking water have been established.

The assessment used SCI-GROW2 for groundwater assessment and GENEEC Version 1.2 for acute and chronic surface water assessments. Estimated environmental concentrations (EEC's) in surface water reflecting 0.25 lb acid equivalents/A/yr applied by air were 11.2 µg/L for acute and 3.9 µg/L for chronic. EEC's for groundwater were 0.025 µg/L parts per billion (ppb) for acute and chronic. The computer generated EECs represent conservative estimates and should be used only for screening.

i. *Acute exposure and risk.* OPP has calculated drinking water levels of concern (DWLOCs) for acute exposure to fluroxypyr in drinking water for the only relevant population subgroup, females (13+ years): 9,930 µg/L.

To calculate the DWLOCs for acute exposure relative to an acute toxicity endpoint, the acute dietary food exposure (from the DRES analysis) was subtracted from the ratio of the acute NOEL (used for acute dietary assessments) to the acceptable MOE for aggregate exposure to obtain the acceptable acute exposure to thiafluamide in drinking water. DWLOCs were then calculated using default body weights and drinking water consumption figures.

Estimated maximum concentrations of fluroxypyr in surface and ground water are 11.2 ppb and 0.025 ppb, respectively and the DWLOC is 9,930 µg/L. The estimated maximum concentrations of fluroxypyr in surface and ground water are less than OPP's level of concern for fluroxypyr in drinking water as a contribution to acute aggregate exposure.

Therefore, taking into account present uses and uses proposed in this action, OPP concludes with reasonable certainty that residues of fluroxypyr in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time.

ii. *Chronic exposure and risk.* The ''Interim Guidance for Conducting Drinking Water Exposure and Risk Assessments'' issued on 24-NOV-1997 was followed for this assessment. Thus, the GENEEC model and the SCI-GROW model were run to produce estimates of fluroxypyr concentrations in surface and ground water, respectively. The primary use of these models is to provide a coarse screen for sorting out pesticides for which OPP has a high degree of confidence that the true levels of the pesticide in drinking water will be less than the human health drinking water levels of concern (DWLOCs). A DWLOC is the concentration of a pesticide in drinking water which would be acceptable as an upper limit in light of total aggregate exposure to that chemical from food, water, and non-occupational (residential) sources.

The $DWLOC_{chronic}$ is the concentration in drinking water as a part of the aggregate chronic exposure that occupies no more than 100% of the RfD. The Agency's default body weights and water consumption values used to calculate DWLOCs are as follows: 70 kg/2L (adult male), 60 kg/2L (adult female), and 10 kg/1L (child).

For chronic (non-cancer) exposure to fluroxypyr in surface and ground water, the drinking water levels of concern are 17,400 µg/L for the U.S. population, 14,900 µg/L for females (13+ years), and 4,950 µg/L for children (1-6 yrs). To calculate the DWLOC for chronic (non-cancer) exposure relative to a chronic toxicity endpoint, the chronic dietary food exposure (from DRES) was subtracted from the RfD to obtain the acceptable chronic (non-cancer) exposure to fluroxypyr in drinking water. DWLOCs were then calculated using default body weights and drinking consumption figures.

Estimated average concentrations of fluroxypyr in surface and ground water are 3.9 ppb and 0.025 ppb, respectively. The DWLOCs are 17,400 µg/L for the U.S. population, 14,900 µg/L for females (13+ years), and 4,950 µg/L for children (1-6 yrs). The estimated average concentrations of fluroxypyr in surface and ground water are less than OPP's level of concern for fluroxypyr in drinking water as a contribution to chronic aggregate exposure.

3. *From non-dietary exposure.* There are no registered or proposed residential uses for fluroxypyr 1-methylheptyl ester or fluroxypyr.

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 fluroxypyr 1-methylheptyl ester 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, fluroxypyr 1-methylheptyl ester 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 fluroxypyr 1-methylheptyl ester has a common mechanism of toxicity with other substances.

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

1. *Acute risk.* For the population subgroup of concern, females 13+ years, the calculated Margin of Exposure (MOE) value (food) is 50,000. The Agency acknowledges the potential for exposure to fluroxypyr 1-methylheptyl ester in drinking water, but does not expect that exposure would result in an aggregate MOE (food plus water) that would exceed the Agency's level of concern for acute dietary exposure.

2. *Chronic risk.* Using the TMRC exposure assumptions described above, EPA has concluded that aggregate exposure to fluroxypyr 1-methylheptyl ester from food will utilize 0.41% of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure 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 fluroxypyr 1-methylheptyl ester 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 from aggregate exposure to fluroxypyr 1-methylheptyl ester residues.

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. There are no proposed residential uses for fluroxypyr. Therefore, the short and intermediate aggregate risks are adequately addressed by the chronic aggregate dietary risk assessment.

D. Aggregate Cancer Risk for U.S. Population

Fluroxypyr has been classified as a ''not likely'' carcinogenic chemical by the Agency.

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 fluroxypyr 1-methylheptyl ester, EPA considered data from developmental toxicity studies in the rat and rabbit and a two-generation reproduction study in the rat. This is generally the case -- edit if different studies. 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 10-fold 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 data base 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 margin of exposure analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. In either case, EPA generally defines the level of appreciable risk as exposure that is greater than 1/100 of the no observed effect level in the animal study appropriate to the particular risk assessment. This 100-fold uncertainty (safety) factor/margin of exposure (safety) is designed to account for inter-species extrapolation and intra-species variability. HED believes that reliable data support using the 100-fold margin/factor, rather than the 1,000-fold margin/factor, when EPA has a complete data base under existing guidelines, and when the severity of the effect in infants or children, the potency or unusual toxic properties of a compound, or the quality of the exposure data do not raise concerns regarding the adequacy of the standard margin/factor.

ii. *Developmental toxicity studies.* In the developmental study in rats, the maternal (systemic) NOEL was 125 mg/kg/day, based on clinical signs at the lowest observed effect level (LOEL) of 250 mg/kg/day. The developmental (fetal) NOEL was 250 mg/kg/day, based on reduced ossification at the LOEL of 500 mg/kg/day.

In the developmental toxicity study in rabbits, the maternal (systemic) NOEL was 250 mg/kg/day, based on maternal deaths at the LOEL of 400 mg/kg/day. The developmental (pup) NOEL was 125 mg/kg/day, based on increased postimplantation loss at the LOEL of 250 mg/kg/day.

iii. *Reproductive toxicity study.* In the 2-generation reproductive toxicity study in rats, the maternal (systemic) NOEL was 100 mg/kg/day, based on increased kidney weights and kidney histopathology at the LOEL of 500 mg/kg/day. The developmental (pup) NOEL was 500 mg/kg/day, based on decreased body weight at the LOEL of 1,000 mg/kg/day. The reproductive NOEL was 1,000 mg/kg/day HDT.

iv. *Pre- and post-natal sensitivity.* The toxicological data base for evaluating pre- and post-natal toxicity for fluroxypyr is complete with respect to current data requirements. Based on the results of the rabbit developmental toxicity study for fluroxypyr there does appear to be an extra sensitivity for pre-natal effects.

v. *Conclusion.* Based on the above, EPA concludes that reliable data support use of a 300-fold margin of exposure/uncertainty factor, rather than the standard 1000-fold margin/factor, to protect infants and children.

2. *Acute risk.* The acute dietary MOE (food) was calculated to be 6,666 for infants (<1 year), 10,000 for children (1-6 years), and 50,000 females 13+ years (accounts for both maternal and fetal exposure). These MOE calculations were based on the developmental NOEL in rabbits of 100 mg/kg/day. This risk assessment assumed 100% crop-treated with tolerance level residues on all treated crops consumed, resulting in a significant over estimation of dietary exposure. The large acute dietary MOE calculated for females 13+ years and the infants <1 year subgroup (lowest MOE) provides assurance that there is a reasonable certainty of no harm for females 13+ years, infants, and children.

EPA acknowledges the potential for exposure to fluroxypyr 1-methylheptyl ester in drinking water, but does not expect that exposure would result in aggregate MOEs (food plus water) that

would exceed the Agency's level of concern for acute dietary exposure.

3. *Chronic risk.* Using the conservative exposure assumptions described above, EPA has concluded that aggregate exposure to fluroxypyr 1-methylheptyl ester from food ranges from 0.39% of the RfD for nursing infants (<1 year old) up to 1.55% of the RfD for non-nursing infants (<1 year 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 fluroxypyr 1-methylheptyl ester 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 fluroxypyr 1-methylheptyl ester residues.

4. *Short- or 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 uses. There are no proposed residential uses for fluroxypyr. Therefore, the short and intermediate aggregate risks are adequately addressed by the chronic aggregate dietary risk assessment.

V. Other Considerations

A. Metabolism In Plants and Animals

The nature of the residue in plants and animals is adequately understood. The residues of concern in plants and animals are fluroxypyr 1-methylheptyl ester and its metabolite fluroxypyr, free and conjugated, all expressed as fluroxypyr.

B. Analytical Enforcement Methodology

Adequate enforcement methodology is available for plants (GC/MS and capillary gas chromatography/MS) to enforce the tolerance expression. The petitioner validated the limit of quantitation at 0.01 ppm for cereal grains and 0.05 ppm for forage, straw, and hay of cereal grains.

Adequate enforcement methodology is available for livestock (GC/ECD and capillary gas chromatography with mass selective detection) to enforce the tolerance expression. The petitioner validated the limit of quantitation of Method GRM 96.03 at 0.01 ppm for all animal substrates.

C. Magnitude of Residues

Residues of fluroxypyr 1-methylheptyl ester and fluroxypyr are not expected to exceed the following levels in RAC's and processed commodities of wheat, barley, sweet corn, field corn, and animal commodities as a result of this section 18 use. For this section 18 only, EPA will permit the sweet corn residue data to be translated to field corn.

Commodity	Parts per million
Aspirated grain fractions	0.6 ppm
Corn, field, forage	2.0 ppm
Corn, field, grain	0.05 ppm
Corn, field, stover	2.5 ppm
Corn, sweet, forage	2.0 ppm
Corn, sweet, K + CWHR	0.05 ppm
Corn, sweet, stover	2.5 ppm
Kidney of cattle, goats, hogs, horses, and sheep	0.5 ppm
Meat, fat, and meat byproducts (except kidney) of cattle, goats, hogs, horses, and sheep	0.1 ppm
Milk	0.1 ppm
Wheat and barley, grain	0.5 ppm
Wheat and barley, hay	20.0 ppm
Wheat and barley, straw	12.0 ppm
Wheat, forage	12.0 ppm

D. International Residue Limits

There are no CODEX, Canadian, or Mexican tolerances for residues of fluoroxypyr 1-methylheptyl ester on wheat, barley, sweet corn, or field corn.

E. Rotational Crop Restrictions

A confined rotational crop study was conducted in which fluroxypyr was applied at the rate of 8.8 oz ae/A. Residues in crops planted 120 days after soil treatment were 0.01 to 0.08 ppm; however, based on this study and the section 18 use rates, residues of fluroxypyr 1-methylheptyl ester and fluroxypyr are not expected to occur in rotational crops at levels >0.01 ppm at the 120-day plant-back interval. The statement ''Observe a 120-day plant-back interval'' is needed on the Section 18 label, based on the confined rotational crop study.

VI. Conclusion

Therefore, the tolerance is established for combined residues of fluroxypyr 1-methylheptyl ester and its metabolite fluroxypyr in wheat and barley, grain at 0.5 ppm; wheat, forage at 12.0 ppm; wheat and barley, hay at 20.0 ppm; wheat and barley, straw at 12.0 ppm; aspirated grain fractions at 0.6 ppm; corn, sweet, K + CWHR at 0.05 ppm; corn, sweet, forage at 2.0 ppm; corn, sweet, stover at 2.5 ppm; corn, field, grain at 0.05 ppm; corn, field, forage at 2.0 ppm; corn, field, stover at 2.5 ppm; meat, fat, and meat byproducts (except kidney) of cattle, goats, hogs, horses, and sheep 0.1 ppm; kidney of cattle, goats, hogs, horses, and sheep 0.5 ppm; milk 0.1 ppm.

VII. 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 5, 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 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.

VIII. Public Record and Electronic Submissions

EPA has established a record for this rulemaking under docket control number [OPP–300688] (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.

IX. Regulatory Assessment Requirements

This final rule establishes tolerances under FFDCA section 408(l)(6). 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 under FFDCA section 408 (l)(6), such as the 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 acations published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

X. 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 in 40 CFR Part 180

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

Dated: July 16, 1998.

James Jones,

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.

2. Section 180.535 is added to read as follows:

§ 180.535 Fluroxypyr 1-methylheptyl ester; tolerances for residues.

(a) *General.* [Reserved]

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for the combined residues of fluroxypyr 1-methylheptyl ester and its metabolite fluroxypyr, in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. The tolerances will expire and are revoked on the dates specified in the following table.

Commodity	Parts per million	Expiration/ RevocationDate
Aspirated grain fractions	0.6	12/1/99
Barley, grain	0.5	12/1/99
Barley, hay	20.0	12/1/99
Barley, straw	12.0	12/1/99
Cattle, fat	0.1	12/1/99
Cattle, kidney	0.5	12/1/99
Cattle, mbyp	0.1	12/1/99
Cattle meat	0.1	12/1/99
Corn, field, forage	2.0	12/1/99
Corn, field, grain	0.05	12/1/99
Corn, field, stover	2.5	12/1/99
Corn, sweet, forage	2.0	12/1/99
Corn, sweet, K + CWHR	0.05	12/1/99
Corn, sweet, stover	2.5	12/1/99
Goats, fat	0.1	12/1/99
Goats, kidney	0.5	12/1/99
Goats, mbyp	0.1	12/1/99
Goats, meat	0.1	12/1/99
Hogs, fat	0.1	12/1/99
Hogs, kidney	0.5	12/1/99
Hogs, mbyp	0.1	12/1/99
Hogs, meat	0.1	12/1/99
Horses, fat	0.1	12/1/99
Horses, kidney	0.5	12/1/99
Horses, mbyp	0.1	12/1/99
Horses, meat	0.1	12/1/99
Milk	0.1	12/1/99
Sheep, fat	0.1	12/1/99
Sheep, kidney	0.5	12/1/99
Sheep, mbyp	0.1	12/1/99
Sheep meat	0.1	12/1/99
Wheat, forage	12.0	12/1/99
Wheat, grain	0.5	12/1/99
Wheat, hay	20.0	12/1/99

Commodity	Parts per million	Expiration/ RevocationDate
Wheat, straw	12.0	12/1/99

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

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

[FR Doc. 98–20905 Filed 8–4–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–231; RM–8903]

Radio Broadcasting Services; Redwood, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 288A to Redwood, Mississippi, as that community's first local aural transmission service, in response to a petition filed by Dominant Communications Corporation. See 61 FR 63809, December 2, 1996. Coordinates used for Channel 288A at Redwood are 32–27–13 NL and 90–48–42 WL. With this action, the proceeding is terminated.

DATES: Effective September 14, 1998. A filing window for Channel 288A at Redwood, Mississippi, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the application filing process for Channel 288A at Redwood, Mississippi, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96–231, adopted July 22, 1998, and released July 31, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by adding Redwood, Channel 288A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–20817 Filed 8–4–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–229; RM–9100, RM–9231]

Radio Broadcasting Services; Warrenton and Enfield, NC, La Crosse and Powhatan, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of MainQuad, Inc., substitutes Channel 297A for Channel 297C2 at Warrenton, NC, reallots Channel 297A to Powhatan, VA, as the community's first local aural service, and modifies the construction permit of Station WXNC to specify Powhatan as its community of license, and also allots Channel 297A to Enfield, NC, as the community's first local aural service. *See* 62 FR 61721, November 21, 1997. Channel 297A can be allotted to Powhatan in compliance with the Commission's minimum distance separation requirements with a site restriction of 10 kilometers (6.2 miles) southeast, at coordinates 37–28–02 North Latitude and 77–51–10 West Longitude, to avoid short-spacings to Stations WRQX, Channel 297B, Washington, DC and WUMX, Channel 298A, Charlotte, VA. Channel 297A can be allotted to Enfield with a site restriction of 1.7 kilometers (1 mile) northwest, at coordinates 36–11–09; 77–41–40, to avoid a short-spacing to Station WNCT–FM, Channel 300C, Greenville, NC. Mainquad, Inc.'s proposal to reallot Channel 297C2 from Warrenton to LaCrosse, VA, is dismissed. With this action, this proceeding is terminated.

DATES: Effective September 14, 1998. A filing window for Channel 297A at Enfield, NC, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–229, adopted July 22, 1998, and released July 31, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by removing Warrenton, Channel 297C2, and adding Enfield, Channel 297A.

3. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by adding Powhatan, Channel 297A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–20816 Filed 8–4–98; 8:45 am]

BILLING CODE 6712–01–P