E.O. 13405, Protection of Children from Environmental Health Risks and Safety Risks. This final rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01–185 to read as follows:

§ 165.T01–185 Safety Zone: Evidence Transport, Narragansett Bay, Rhode Island.

(a) *Location.* The following areas have been declared safety zones:

(1) All waters within five hundred (500) yard radius of all Coast Guard and Navy vessels carrying aircraft wreckage as they transit Narragansett Bay and its approaches from the vessel's entry into U.S. territorial waters at 12 nautical miles until the vessels are moored at the piers at Davisville Depot, Davisville, Rhode Island.

(2) All waters within 2000 yards of Pier 2 at Davisville Depot, Davisville, Rhode Island while Coast Guard and Navy vessels are preparing to offload or offloading aircraft wreckage.

(b) *Effective date.* This rule is effective from 2 p.m. on Monday, November 1, 1999, until 12 a.m.,on Tuesday, December 1, 1999.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into or movement within these zones is prohibited unless authorized by the COTP Providence.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(3) The general regulations covering safety zones in § 165.23 apply.

Dated: November 1, 1999.

Peter A. Popko,

Captain, U. S. Coast Guard, Captain of the Port.

[FR Doc. 99–30000 Filed 11–16–99; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300938; FRL–6388–5]

RIN 2070–AB78

Clopyralid; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of 3,6-dichloro-2-pyridinecarboxylic acid (clopyralid) in or on flax seed. This action is in connection with a crisis exemption issued under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on flax. This regulation establishes a maximum permissible level for residues of clopyralid in this food commodity. The tolerance will expire and is revoked on December 31, 2001.

DATES: This regulation is effective November 17, 1999. Objections and requests for hearings, identified by docket control number OPP–300938, must be received by EPA on or before January 18, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VII. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300938 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Libby Pemberton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308–9364; and e-mail address: pemberton.libby@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**--Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300938. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall 2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday

through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with sections 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, is establishing a tolerance for residues of the herbicide 3,6-dichloro-2-pyridinecarboxylic acid, in or on flax seed at 0.5 part per million (ppm). This tolerance will expire and is revoked on December 31, 2001. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

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. EPA does not intend for its actions on section 18 related tolerances to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.

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 the Food Quality Protection Act (FQPA). EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for clopyralid on flax and FFDCA Tolerances

On June 25, 1999, the North Dakota Department of Agriculture declared a crisis exemption for use of clopyralid on flax. There are no adequate alternatives available to control Canada thistle and perennial sowthistle. The populations of these two pests have been increasing due to recent changes in weather. Under high weed pressure, yield in an infested field could easily be reduced by 25%. Beyond yield loss from weed competition, additional impacts from an infestation of Canada thistle could include total loss of the crop because State law may require destruction of thistle-infested areas in flax fields to prevent spread of these weeds. After having reviewed the related specific exemption, EPA concurs that emergency conditions existed for control of Canada thistle and perennial sowthistle in North Dakota.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of clopyralid in or on flax seed. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the 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 this tolerance without notice and opportunity for public comment as provided in section 408(l)(6). Although this tolerance will expire and is revoked on December 31, 2001, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on flax seed 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 this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because this tolerance is being approved under emergency conditions, EPA has not made any decisions about whether clopyralid meets EPA's registration requirements for use on flax or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this tolerance serves as a basis for registration of clopyralid by a State for special local needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for any State other than North Dakota to use this pesticide on this crop under section 18 of FIFRA without following all provisions of EPA's regulations implementing section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for clopyralid, contact the Agency's Registration Division at the address provided under ''FOR FURTHER INFORMATION CONTACT.''

IV. Aggregate Risk Assessment and Determination of Safety

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

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 clopyralid and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a time-limited tolerance for residues of 3,6-dichloro-2-pyridinecarboxylic acid on flax seed at 0.5 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 clopyralid are discussed in this unit.

B. Toxicological Endpoint

1. *Acute toxicity*. For acute dietary risk assessment, EPA determined that no appropriate endpoint attributable to a single dose (exposure) was identified in oral toxicity studies. Therefore, an acute RfD was not established for either females 13+ years or the general population, including infants and children.

2. *Short-term and intermediate-term toxicity*. EPA determined that endpoints for both dermal and inhalation risk assessments for short, intermediate, and chronic occupational and residential exposure scenarios were not required due to the low toxicity in rats by the dermal and inhalation routes.

3. *Chronic toxicity*. EPA has established the Reference Dose (RfD) for clopyralid at 0.5 milligrams/kilograms/day (mg/kg/day). This RfD is based on a 2–year feeding study in rats. The no observable adverse effect level (NOAEL) of 50 mg/kg/day and an uncertainty factor of 100 is based on decreased body weight gain at the lowest observable adverse effect level (LOAEL) of 150 mg/kg/day.

4. *Carcinogenicity*. Clopyralid has not been classified by EPA, but there is no evidence of tumorigenic potential in Sprague Dawley rats up to 1,500 mg/kg/day for 2–years and CD-1 mice up to 2,000 mg/kg/day for 18 months.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.431) for residues of 3,6-dichloro-2-pyridinecarboxylic acid, in or on a variety of raw agricultural commodities, including meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and milk. Risk assessments were conducted by EPA to assess dietary exposures and risks from clopyralid 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. For acute dietary risk assessment, EPA determined that no appropriate endpoint attributable to a single dose (exposure) was identified in oral toxicity studies. Therefore, an acute RfD was not established for either females 13+ years or the general population, including infants and children. An acute dietary risk assessment is therefore not required.

ii. *Chronic exposure and risk*. In conducting this chronic dietary risk assessment, EPA has made very conservative assumptions: 100% crop treated is assumed for all crops and residues will be at the level of the tolerance. The existing clopyralid tolerances (published and pending) result in a theoretical maximum residue contribution (TMRC) that is equivalent to the following percentages of the chronic RfD. As the 10x safety factor was removed, the chronic RfD is equal to the PAD (population-adjusted dose). As a result, the exposure given as a percentage of the total allowable exposure is reported as %PAD.

Population Subgroup	Exposure (mg/kg/day)	Percent Reference Dose[1] (% Chronic PAD/RfD)
U.S. Population (total).	0.009030	1.8%
All Infants (<1 year old).	0.008191	1.6%
Nursing Infants (<1 year old).	0.003915	0.8%
Non-Nursing Infants (<1 year old).	0.009991	2.0%
Children (1–6 years old).	0.020987	4.2%
Children (7–12 years old).	0.014009	2.8%
Non-Hispanic Whites	0.009121	1.8%
Non-Hispanic/non-white/non-black.	0.009199	1.8%
Males 13–19 years ..	0.009860	2.0%

[1] Percentage reference dose (% Chronic PAD) = Exposure x 100% (as RfD=PAD in this case)/Chronic PAD

The subgroups listed above are: (1) The U.S. Population (total); (2) those for infants and children; and, (3) the other subgroups (except regions and seasons) for which the percentage of the chronic PAD occupied is greater than that occupied by the subgroup U.S. Population (total).

2. *From drinking water*. Clopyralid is persistent and mobile. There is no established Maximum Contaminant Level for residues of clopyralid in drinking water. No health advisory levels for clopyralid in drinking water have been established. Estimates for the concentration of clopyralid in surface water are based on GENEEC (Generic Estimated Environmental Concentration) modeling and in ground water on SCI-GROW modeling.

i. *Acute exposure and risk*. EPA determined that no appropriate endpoint attributable to a single dose (exposure) was identified in oral toxicity studies. Therefore, an acute RfD was not established for either females 13+ years or the general population, including infants and children. An acute risk assessment is therefore not required.

ii. *Chronic exposure and risk*. The highest EEC for clopyralid in surface water (27 µg/L) is from the non-cropland uses of clopyralid. The EEC for ground water is 9.7 µg/L which also results from non-cropland uses. For purposes of risk assessment, the maximum EEC for clopyralid in drinking water (27 µg/L) should be used for comparison to the back-calculated human health drinking water levels of comparison (DWLOC) for the chronic (non-cancer) endpoint. These DWLOCs for various population categories are summarized in the following table.

Drinking Water Levels of Comparison for Chronic Exposure[1]

Population Category[2]	Chronic RfD (mg/kg/day)	Food Exposure (mg/kg/day)	Max. Water Exposure[3] (mg/kg/day)	DWLOC [4],[5],[6] (µg/L)
U.S. Population (total)	0.5	0.009030	0.4910	17,000
Females (13+ years, nursing)	0.5	0.008776	0.4912	15,000
Children 1-6 years	0.5	0.020987	0.4790	4,800

[1] Values are expressed to 2 significant figures.
[2] Within each of these categories, the subgroup with the highest food exposure was selected.
[3] Maximum Water Exposure (Chronic) (mg/kg/day) = Chronic RfD (mg/kg/day) - Food Exposure (mg/kg/day).
[4] DWLOC(µg/L) = Max. water exposure (mg/kg/day) x body wt (kg) ÷ [(10^{-3} mg/µg) * water consumed daily (L/day)].
[5] EPA Default body weights are: General U.S. Population, 70 kg; Males (13+ years old), 70 kg; Females (13+ years old), 60 kg; Other Adult Populations, 70 kg; and, All Infants/Children, 10 kg.
[6] EPA Default daily drinking rates are 2 L/day for adults and 1 L/day for children.

The estimated maximum concentrations of clopyralid in surface water and ground water are less than EPA's levels of comparison for clopyralid in drinking water as a contribution to chronic aggregate exposure. Therefore, taking into account the present uses and uses proposed and the fact that GENEEC can substantially overestimate (by up to 3x) true pesticide concentrations in drinking water, EPA concludes with reasonable certainty that

residues of clopyralid in drinking water (when considered along with other sources of chronic exposure for which EPA has reliable data) would not result in an unacceptable estimate of chronic (non-cancer) aggregate human health risk at this time.

3. *From non-dietary exposure.* Clopyralid is currently not registered for use on residential non-food sites.

4. *Cumulative exposure to substances with a 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.''

EPA does not have, at this time, available data to determine whether clopyralid 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, clopyralid 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 clopyralid has a common mechanism of toxicity with other substances. For more information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

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

1. *Acute risk.* EPA determined that no appropriate endpoint attributable to a single dose (exposure) was identified in oral toxicity studies. Therefore, an acute RfD was not established for either females 13+ years or the general population, including infants and children. An acute risk assessment is therefore not required.

2. *Chronic risk.* Using the conservative TMRC exposure assumptions described in this unit, EPA has concluded that aggregate exposure to clopyralid from food will utilize 1.8% of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is 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 clopyralid in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

3. *Short-term and intermediate-term risk.* Short-term 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. EPA determined that endpoints for both dermal and inhalation risk assessments for short, intermediate, and chronic occupational and residential exposure scenarios were not required because of the low toxicity in rats by the dermal and inhalation routes.

4. *Aggregate cancer risk for U.S. population.* Clopyralid has not been classified by EPA, but there is no evidence of tumorigenic potential in Sprague Dawley rats up to 1,500 mg/kg/day for 2–years and CD-1 mice up to 2,000 mg/kg/day for 18 months. Therefore, for the purposes of this action only, a cancer risk assessment is not required.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to clopyralid 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 clopyralid, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2–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 prenatal and postnatal 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 (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 MOE and uncertainty factor (usually 100 for combined interspecies and intraspecies 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.* In the developmental study in rats, the maternal (systemic) NOAEL of 75 mg/kg/day is based on decreased body weight, decreased food consumption, and one death at the LOAEL of 250 mg/kg/day. The developmental (fetal) NOAEL is >250 mg/kg/day highest dose tested (HDT). In the developmental toxicity study in rabbits, the maternal (systemic) NOAEL is >250 mg/kg/day (HDT). The developmental (fetal) NOAEL is also >250 mg/kg/day (HDT).

iii. *Reproductive toxicity study.* In the 2–generation reproductive toxicity study in rats, the parental (systemic) NOAEL is 500 mg/kg/day, based on decreased body weight at the LOAEL of 1,500 mg/kg/day (HDT). The reproductive (pup) NOAEL is >1,500 mg/kg/day (HDT).

iv. *Prenatal and postnatal sensitivity.* The toxicological data base for evaluating prenatal and postnatal toxicity for clopyralid is complete with respect to current data requirements. There are no prenatal or postnatal toxicity concerns for infants and children, based on the results of the rat and rabbit developmental toxicity studies as well as the 2–generation rat reproductive toxicity study. Based on the above, the the 10x safety factor was removed (1x) for purposes of this action.

v. *Conclusion.* There is a complete toxicity data base for clopyralid and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures.

2. *Acute risk.* EPA determined that no appropriate endpoint attributable to a single dose (exposure) was identified in oral toxicity studies. Therefore, an acute RfD was not established for either females 13+ years or the general population, including infants and children. An acute risk assessment is therefore not required.

3. *Chronic risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to clopyralid from food will utilize 4.2% of the RfD 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 clopyralid in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

4. *Short-term or intermediate-term risk*. Short-term 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. EPA determined that endpoints for both dermal and inhalation risk assessments for short, intermediate, and chronic occupational and residential exposure scenarios were not required because of the low toxicity in rats by the dermal and inhalation routes.

5. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to clopyralid residues.

V. Other Considerations

A. Metabolism in Plants and Animals

The nature of the residue in plants and animals is adequately understood.

B. Analytical Enforcement Methodology

An adequate analytical method is available for enforcement of the proposed tolerances in flax seed. This method is a GC method using a Hall electrolytic conductivity detector. This method has been submitted to FDA for publication in PAM II. An enforcement method for animal commodities is available in PAM II. This method is entitled ''Gas Chromatographic Determination of Clopyralid Residues in Eggs, Bovine Liver, and Milk.''

The method for flax seed may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

C. Magnitude of Residues

A tolerance of 0.5 ppm for flax seed will cover residues in flax meal. Flax meal is an animal feed item. It can comprise as much as 10% of the diets of beef cattle, dairy cattle, and swine. It can also comprise up to 30% of the diet of poultry. Clopyralid is registered for use on grasses and several cereal grains (i.e., barley, corn, oats, and wheat). Taking into account the tolerances and percent dry matter in these crops as well as those in flax meal, this latter commodity will not cause an increase in the dietary burden of animal commodities.

D. International Residue Limits

There are no CODEX, Canadian, or Mexican Maximum Residue Limits (MRL) for clopyralid on flax.

E. Rotational Crop Restrictions

Crop	Rotation Crop Interval	Comments, Conditions and Limitations
Barley, grasses, field corn, oats, wheat.	30 days	Listed crops may be planted 30 days following application of Curtail M.
Sugar beets	5 months	Do not plant in the same growing season following application of Curtail M.
Alfalfa, asparagus, canola (rapeseed), cole crops, dry beans[1], grain sorghum, mint, onions, popcorn, safflower, soybeans[1], sunflowers[1], sweet corn, strawberries.	10.5 months	Do not plant listed crops for 10.5 months following application of Curtail M.
Lentils, peas, potatoes, broadleaf crops grown for seed.	18 months	Do not plant listed crops for 18 months after application unless the risk of crop injury is acceptable. The potential for injury may be reduced by burning, removal, or incorporation of treated crop residues followed by a minimum of 2 supplemental fall irrigations.

[1] If soils contain less than 2% organic matter and natural precipitation is <15 inches during the 10.5 months following application, these (footnoted) crops should not be planted until 18 months after application unless the risk of crop injury is acceptable. The potential for injury may be reduced by burning, removal, or incorporation of treated crop residues followed by a minimum of 2 supplemental fall irrigations.

VI. Conclusion

Therefore, the tolerance is established for residues of 3,6-dichloro-2-pyridinecarboxylic acid in flax seed at 0.5 ppm.

VII. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300938 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before January 18, 2000.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(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). 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.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. M3708, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment*. If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

3. *Copies for the Docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VII.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by the docket control number OPP–300938, 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 or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

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

VIII. Regulatory Assessment Requirements

This final rule establishes a time-limited tolerance under FFDCA section 408. 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) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); 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 or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a FIFRA section 18 petition under FFDCA section 408, such as the tolerance 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. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

IX. Submission to Congress and the General Accounting Office

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 this final rule in the **Federal Register**. This final 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: October 27, 1999.

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. 321(q), 346(a) and 371.

2. In § 180.431, in the table in paragraph (b), alphabetically add the following commodity to read as follows:

§ 180.431 Clopyralid; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million	Expiration/ revocation date
* * * * *		
Flax seed	0.5	12/31/01

* * * * *

[FR Doc. 99–30025 Filed 11–16–99; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7725]

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

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

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

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

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive