The nature of the residue in poultry has not been defined. It has been concluded that there is no reasonable expectation of finite AC 263,222 residues occurring in poultry from this use.

Since there are very low residues in peanuts and a livestock feeding and grazing restriction on the AC 263,222 treated peanut hay, there is no need to have cattle and poultry feeding studies; nor is there any need for secondary tolerances of AC 263,222 and its hydroxymethyl metabolite in meat, milk, poultry, and eggs in this petition only.

*Risk Assessment*

The DRES chronic analysis used the Reference Dose (RfD) of 0.50 mg/kg/day, based upon results in the 1–year chronic feeding study in dogs.

For chronic dietary exposure from the new use of AC 263,222 on peanuts the TMRC for the general U.S. population and the most highly exposed subgroups are as follows (as percent of the Reference Dose):

| | |
|---|---|
| U.S. population | 0.0015% |
| Children (1-6 Years Old) | 0.0047% |
| Children (6-12 Years Old) | 0.0034% |

An acute dietary risk assessment is not required for AC 263,222.

The pesticide is considered useful for the purpose for which the tolerance is sought. Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections and/or request a hearing 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 fees provided by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, and the requestor's contentions on each such issue, and a summary of the evidence relied upon by the objection (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 a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve on or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: March 5, 1996.

Penelope A. Fenner-Crisp,

*Acting Director, Office of Pesticide Programs.*

Therefore, chapter I of title 40 Code of Federal Regulations is amended as follows:

## PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By adding § 180.490 to subpart C, to read as follows:

**§ 180.490 Cadre, tolerance for residues.**

Tolerance is established for residues of the herbicide; (+)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-methyl-3-pyridinecarboxylic acid applied as its ammonium salt and its metabolite (+)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-hydromethyl-3-pyridinecarboxylic acid both free and conjugated; in or on the following raw agricultural commodity:

| Commodities | Parts per million |
|---|---|
| Peanut nutmeat | 0.1 |

[FR Doc. 96–6438 Filed 3–19–96; 8:45 am]

BILLING CODE 6560–50–F

## 40 CFR Part 180

**[PP 4F4398/R2209; FRL–5352–2]**

**RIN 2070–AB78**

## Dried Fermentation Solids and Solubles of Myrothecium Verrucaria; Exemption From the Requirement of a Tolerance on All Food Crops and Ornamentals

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This rule establishes an exemption from the requirement for a tolerance for residues of killed*Myrothecium verrucaria* in or on all food crop and ornamental commodities when applied pre-planting, pre-seeding or post-planting in accordance with good agricultural practices. This exemption was requested by Abbott Laboratories. This regulation eliminates the need to establish a maximum permissible level for residues of this nematicide on food crops and ornamentals.

**EFFECTIVE DATE:** This regulation becomes effective March 20, 1996.

**ADDRESSES:** Written objections and hearing requests, identified by the docket number, [PP 4F4398/R2209], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington , DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to:opp-docket@epamail.epa.gov.

Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding 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 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [PP 4F4398/R2209] . No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: Cindy Schaffer, Product Manager (PM) Biopesticides and Pollution Prevention Division (7501W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. (703) 308–8272; e-mail: schaffer.cindy@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of February 8, 1995 (60 FR 7539), EPA issued a notice (PF–617; FRL–4926–4) that Abbott Laboratories, Chemical and Agricultural Products Division, 1401 Sheridan Road, North Chicago, IL 60064, had submitted pesticide petition (PP) 4F4398 to EPA proposing to amend 40 CFR part 180 by establishing a regulation pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to exempt from the requirement of a tolerance the residues of the nematicide dried fermentation solids and solubles of*Myrothecium verrucaria* in or on food crops and ornamental commodities when applied in accordance with good agricultural practices.

There were no adverse comments, or requests for referral to an advisory committee received in response to the notice of filing of PP 4F4398.

Myrothecium Verrucaria Natural Occurance

*Myrothecium verrucaria* is a soil hyphomycete fungus originally isolated from a nematode cadaver. This organism has been found on plant material, cellulosic matter, running and still water, and in various cultivated and non-cultivated soils.

Toxicology Assessment

The data submitted in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the exemption from the requirement of a tolerance include: an acute oral toxicity study, an acute dermal toxicity study, an acute intratracheal toxicity study, and a primary dermal irritation study.

The results of these studies indicated that the organism was not toxic to test animals when administered via oral, dermal, intratracheal, or inhalation routes.

Mild ocular irritation observed in the eye irritation study dissipated within 3 days; very slight skin irritation noted immediately following exposure to the compound dissipated within 3 days. There have been no reports of hypersensitivity related to the active ingredient. All of the toxicity studies submitted are considered acceptable.

The toxicology data provided are sufficient to demonstrate that there are no foreseeable human health hazards likely to arise from the use of killed*Myrothecium verrucaria* on all food crops and ornamental commodities in accordance with good agricultural practices.

Residue data requirements shall apply to microbial pesticides when Tier II or III toxicology data are required, as specified in 40 CFR 158.740 and are therefore not relevant to this petition. The data submitted demonstrate that this biological control agent is not toxic to humans at a Tier I level by dietary exposure. No enforcement actions are expected. Therefore, the requirement for an analytical method for enforcement purposes is not applicable to this exemption request. This is the first exemption from the requirement of a tolerance for this killed biological control agent.

Submitted Data-Acute Toxicology for dried*Myrothecium verrucaria* solids and solubles:

Acute Oral $LD_{50}$ > 5,000 mg/kg
Acute Dermal $LD_{50}$ > 2,000 mg/kg
Acute Inhalation $LD_{50}$ > 5.99 mg/L
Acute Intratracheal $LD_{50}$ > 50 mg/kg
Primary Dermal Irritation - Mild Irritant
Primary Eye Irritation - Slight Irritant

Conclusion

Based on the low toxicity of dried*Myrothecium verrucaria* solids and solubles, the Agency concludes that establishment of a tolerance is not necessary to protect the public health. Therefore, the exemption from tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under the docket number [PP 4F4398/R2209] (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 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, enabling timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local or tribal governments or the private sector. The rule imposes no enforceable duty on any State, local or tribal governments or the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

In addition, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments because the rule imposes no regulatory requirements on any party.

List of Subjects in 40 CFR Part 180

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

Dated: February 29, 1996.

Daniel M. Barolo,
*Director, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I, part 180 is amended as follows:

## PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346A and 371.

2. Section 180.1163 is added to subpart D to read as follows:

**§ 180.1163 Killed Myrothecium verrucaria; exemption from the requirement of a tolerance.**

Killed *Myrothecium verrucaria* is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied as a pre-seed or pre- or post-planting soil treatment alone or mixed with water and the mixed suspension be applied through drip or border irrigation systems at a rate not to exceed 20 to 40 lbs/acre and the indicator mycotoxin levels do not exceed 15 ppm.

[FR Doc. 96–6730 Filed 3–19–96; 8:45 am]
BILLING CODE 6560–50–F

## FEDERAL EMERGENCY MANAGEMENT AGENCY

## 44 CFR Part 65

## Changes in Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

**EFFECTIVE DATE:** The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

**ADDRESSES:** The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW., Washington, DC 20472, (202) 646–2756.