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 11, 1996.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.449, by revising paragraph (a) to read as follows:

§ 180.449 Avermectin B_1 and its delta-8,9 isomer; tolerances for residues.

(a) Tolerances are established for the combined residues of the insecticide avermectin B_1 [a mixture of avermectins containing greater than or equal to 80% avermectin B_{1a} (5-*O*-demethyl avermectin A_1) and less than or equal to 20% avermectin B_{1b} (5-*O*- demethyl-25-de(1-methylpropyl)-25-(1-methylethyl) avermectin A_1)] and its delta-8,9-isomer in or on the following commodities:

Commodity	Parts per million	Expiration date
Cattle, fat	0.015	Apr.30, 1996
Cattle, meat	0.02	Do
Cattle, mbyp ...	0.02	Do
Citrus whole fruit	0.02	Do
Cotton-seed	0.005	Do
Hops, dried	0.5	Dec. 31, 1996
Milk	0.005	Apr. 30, 1996

* * * * *

[FR Doc. 96–6447 Filed 3–19–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Parts 180, 185 and 186

[OPP–300413; FRL–5347–6]

RIN 2070–AB18

Hexakis (2-methyl-2-phenylpropyl)distannoxane; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA has completed the reregistration process and issued a Reregistration Eligibility Decision (RED) for hexakis (2-methyl-2 phenylpropyl)distannoxane, also known as and hereafter referred to in this document as fenbutatin oxide. In the reregistration process, all information to support a pesticide's continued registration is reviewed for adequacy and, when needed, supplemented with new scientific studies. Based on the RED tolerance assessments for the pesticide fenbutatin oxide, EPA is proposing to revoke certain individual tolerances, establish group tolerances, correct some commodity definitions and divide food crop and animal tolerances into two separate tables, so that only animal tolerance expressions include both the parent compound and metabolites. Since the publication of the RED, the Agency has revised Table II of the Subdivision O, Residue Chemistry Pesticide Assessment Guidelines for raw agricultural and processed commodities. Consequently, revocations are proposed for commodities which are not considered significant food or feed commodities. In addition, the food additive regulation for citrus oil is being proposed for revocation, and the establishment of a maximum residue level (MRL) for citrus oil is proposed.

DATES: Written comments should be submitted to EPA by May 20, 1996.

ADDRESSES: By mail, submit written comments 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 comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) 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 to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: 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. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-300413]. No CBI should be submitted through e–mail. Electronic comments on this proposed 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: Jude Andreasen, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. Telephone number: (703) 308–8016; e-mail: andreasen.jude@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Legal Authorization

The Federal Food, Drug, and Cosmetic Act (FFDCA, 21 U.S.C. 301 et seq.) authorizes the establishment of tolerances (maximum legal residue levels) and exemptions from the requirement of a tolerance for residues of pesticide chemicals in or on raw agricultural commodities pursuant to section 408 [21 U.S.C. 346(a)]. Without such tolerances or exemptions, a food containing pesticide residues is considered ''adulterated'' under section 402 of the FFDCA, and hence may not legally be moved in interstate commerce [21 U.S.C. 342]. To establish a tolerance or an exemption under section 408 of the FFDCA, EPA must make a finding that the promulgation of the rule would ''protect the public health'' [21 U.S.C. 346a(b)]. For a pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

In 1988, Congress amended FIFRA and required EPA to review and reassess the potential hazards arising from currently registered uses of pesticides registered prior to November 1, 1984. As part of this process, the Agency must determine whether a pesticide is eligible for reregistration or whether any subsequent actions are required to fully attain reregistration status. EPA has chosen to include in the reregistration process a reassessment of existing tolerances or exemptions from the need for a tolerance. Through this reassessment process, based on more recent data, EPA can determine whether a tolerance must be amended, revoked, or established, or whether an exemption from the requirement of one or more tolerances must be amended or is necessary.

The procedure for establishing, amending, or revoking tolerances or exemptions from the requirement of tolerances is set forth in 40 CFR parts 177 through 180. The Administrator or EPA, or any person by petition, may initiate an action proposing to establish, amend, revoke, or exempt a tolerance for a pesticide registered for food uses. Each petition or request for a new tolerance, an amendment to an existing tolerance, or a new exemption from the requirement of a tolerance must be accompanied by a fee. Current Agency policy on tolerance actions identified during the reregistration process is to waive the payment of fees if the tolerance action concerns revision or revocation of an established tolerance, or if the proposed exemption from the requirement of a tolerance requires the concurrent revocation of an approved tolerance. Comments submitted in response to the Agency's published proposals are reviewed; the Agency then publishes its final determination regarding the specific tolerance actions.

II. Chemical—Specific Information and Proposed Actions

A. Fenbutatin oxide

1. *Regulatory background.* Fenbutatin oxide is a miticide/acaricide first registered under FIFRA in 1974; a Registration Standard was issued in March, 1987. The Reregistration Eligibility Decision document (RED) was issued in November 1994. The RED required that all fenbutatin oxide products be classified as restricted use due to very high toxicity to aquatic organisms, and imposed other label changes regarding restricted entry intervals (REI), personal protective equipment (PPE), toxicity statements, drift reductions and geographical restrictions. The RED required the following generic data to confirm EPA's regulatory assessments and conclusions: discussion of formulation impurities, pH, bioaccumulation in fish, droplet size spectrum, and drift field evaluation. The RED also required product-specific data including product chemistry and acute toxicity studies, revised Confidential Statements of Formula (CSFs) and revised labeling for reregistration.

2. *Current proposal.* Tolerances for fenbutatin oxide listed in 40 CFR 180.362(a), (b), (c), 185.3550, and 186.3550. Tolerances listed under 40 CFR 180.362(a) will be separated into paragraph (a) for food crop tolerances and paragraph (b) for animal tolerances. Tolerances with regional registrations, currently listed under 40 CFR 180.362(b) will be redesignated as 40 CFR 180.362(c). Based on the available residue data and to better harmonize with CODEX, the Agency has concluded that the tolerance expression for plants should include the parent compound only, and for meat, milk, poultry and eggs the tolerance expression should include fenbutatin oxide and its organotin metabolites dihydroxybis(2-methyl-2-phenylpropyl)stannane (SD–31723) and 2-methyl-2-phenylpropylstannoic acid (SD–33608). These changes will be incorporated into the tables.

Individual tolerances for almonds, pecans, and walnuts will be deleted and a combined tolerance for residues in or on ''tree nuts group'' will be established. The available residue data support this crop group tolerance.

The separate tolerances for cherries, sour and cherries, sweet will be combined into a single tolerance for residues in or on cherries.

Certain commodity definitions listed in these sections will be revised to conform to the definitions listed in the Commodity Index Report dated October 28, 1992.

The RED inadvertently attributed a feed additive tolerance for ''citrus, oil, refined'' under § 186.3550. The correct designation is under § 185.3550 as a food additive tolerance. In 40 CFR (July 1, 1994 edition), citrus oil is correctly listed as a food additive tolerance under § 185.3550. However, EPA is proposing to revoke this food additive regulation because EPA has determined that it is no longer necessary to prevent the adulteration of food.

In June, 1995, EPA issued a revised policy concerning when section 409 food and feed additive regulations were needed to prevent the adulteration of foods and animal feeds. (60 FR 31300, June 14, 1995). Under EPA's revised policy, a section 409 regulation is necessary for pesticide residues in processed food when it is likely that the level of some residues of the pesticide will exceed the section 408 regulation level in ''ready to eat'' processed food. Of particular relevance to the citrus oil food additive regulation, is EPA's decision to interpret the term ''ready-to-eat'' processed food as food ready for consumption as is without further preparation. For foods that are found to be not ''ready-to-eat,'' EPA takes into account the dilution of residues that occurs in preparing a ''ready-to-eat'' food.

EPA has determined that citrus oil is not a ''ready-to-eat'' food. EPA has found no evidence that citrus oil is consumed ''as is.'' Rather, citrus oil is used as a flavoring ingredient in other foods. As such, citrus oil can comprise up to 4,000 ppm (0.4 percent) of human foods such as chewing gum, which corresponds to a dilution factor of 250. Since the dilution factor in ready-to-eat foods far exceeds the concentration factor resulting from citrus processing, a food additive regulation for fenbutatin oxide on citrus oil is not necessary. Accordingly, EPA is proposing to revoke the fenbutatin oxide food additive regulation for citrus oil.

To aid in the efficient enforcement of the Act, EPA is proposing to establish a maximum residue limit (MRL) for fenbutatin oxide residues in citrus oil. The MRL will reflect the maximum residue of fenbutatin oxide in processed food consistent with a legal level of such residues being present on citrus and the use of good manufacturing practices. See 60 FR 11302, December 6, 1995, regarding imidacloprid. Processed foods not in compliance with an applicable MRL will be deemed adulterated under section 402. Taking into account the degree to which fenbutatin oxide may concentrate during processing using good manufacturing processes (6.9 times) and the level of residues expected in citrus (20 ppm), EPA proposes a MRL of 140 ppm. For purposes of enforcement of the MRL, the same analytical method used for enforcement of the section 408 regulations should be used.

Since the RED was published, the Agency has revised Table II of the Subdivision O, Residue Chemistry Pesticide Assessment Guidelines for raw agricultural and processed commodities. Consequently, revocations are proposed for fresh and dried marigolds, as well as for dried grape pomace and raisin waste, which are not considered significant food or feed commodities.

III. Public Comment Procedures

EPA invites interested parties to submit written comments, information, or data in response to this proposed rule. Comments must be submitted by May 20, 1996. Comments must bear a notation indicating the docket number. Three copies of the comments should be submitted to either location listed under ''ADDRESSES.''

Information submitted as a comment concerning this document may be claimed confidential by marking any or all of that information as ''Confidential Business Information'' (CBI). EPA will not disclose information so marked, except in accordance with procedures set forth in 40 CFR part 2. A second copy of such comments, with the CBI deleted, must also be submitted for inclusion in the public record. EPA may publically disclose without prior notice information not marked confidential.

Any person who has registered or submitted an application for registration of a pesticide, under FIFRA, as amended, that contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

EPA has established a record for this proposed rule under docket number [OPP–300413] (including comments and data submitted electronically as described below). 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, except legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

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

IV. References

1. U.S. Environmental Protection Agency. 60 FR 4912, Reregistration Eligibility Decision Documents for Hexadecadienol, et al. and Notice to Remove Benzocaine; Availability for Comment, January 25, 1995.

2. U.S. Environmental Protection Agency. Reregistration Eligibility Decision: Fenbutatin Oxide, November 1994, EPA Case 0245.

V. Regulatory Assessment Requirements

To satisfy requirements for analysis specified by Executive Order 12866, the Regulatory Flexibility Act, the Paperwork Reduction Act, and the Unfunded Mandates Reform Act, EPA has considered the impacts of this proposal.

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in 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 tribal governments or communities (also referred to 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 entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; 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. The nature of the revisions as proposed will not cause significant impacts. For example, combining the individual tolerances for almonds, pecans and walnuts into a single ''tree nuts group'' will not affect the use of fenbutatin oxide on these sites. It simply reclassifies the sites to a crop grouping.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not a ''significant regulatory action,'' because it does not meet any of the regulatory-significance criteria listed above.

B. Regulatory Flexibility Act

EPA has reviewed this proposed rule under the Regulatory Flexibility Act of 1980 [Pub. L. 96–354; 94 Stat. 1164, 5 U.S.C. 601 *et seq.*], and has determined that it will not have a significant economic impact on any small businesses, governments, or organizations.

Accordingly, I certify that this proposed rule does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

C. Paperwork Reduction Act

This proposed regulatory action does not contain any information collection requirements subject to review by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* This proposed action is not expected to have a significant impact on entities of any size.

D. Unfunded Mandates

This proposed rule contains no Federal mandates under Title II of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4, for State, local, or tribal governments or the private sector, because it would not impose enforceable duties on them.

List of Subjects in 40 CFR Parts 180, 185, and 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Animal feeds, Food additives, Pesticides and pests, Reporting and Recordkeeping requirements.

Dated: February 28, 1996.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR parts 180, 185 and 186 be amended as follows:

1. In part 180:

PART 180—[AMENDED]

a. The authority citation for part 180 would continue to read as follows:

Authority: 15 U.S.C. 346a and 371.

b. Section 180.362 is revised to read as follows:

§ 180.362 Hexakis (2-methyl-2-phenylpropyl)distannoxane; tolerances for residues.

(a) Tolerances are established for residues of hexakis (2-methyl-2-phenylpropyl)distannoxane in or on raw agricultural commodities as follows:

Commodity	Parts per million
Almonds, hulls	80.0
Apples	15.0
Cherries	6.0
Citrus fruits group	20.0
Cucumbers	4.0
Eggplant	6.0
Grapes	5.0
Papayas	2.0
Peaches	10.0
Pears	15.0
Plums (fresh prunes)	4.0
Strawberries	10.0
Tree nuts group	0.5

(b) Tolerances are established for the combined residues of hexakis (2-methyl-2-phenylpropyl)distannoxane and its metabolites dihydroxybis(2-methyl-2-phenylpropyl)stannane (SD-31723) and 2-methyl-2-phenylpropylstannoic acid (SD–33608) in or on raw agricultural commodities as follows:

Commodity	Parts per million
Cattle, fat	0.5
Cattle, mbyp	0.5
Cattle, meat	0.5
Eggs	0.1
Goats, fat	0.5
Goats, mbyp	0.5
Goats, meat	0.5
Hogs, fat	0.5
Hogs, mbyp	0.5
Hogs, meat	0.5
Horses, fat	0.5
Horses, mbyp	0.5
Horses, meat	0.5
Milk, fat	0.1
Poultry, fat	0.1
Poultry, mbyp	0.1
Poultry, meat	0.1
Sheep, fat	0.5
Sheep, mbyp	0.5
Sheep, meat	0.5

(c) Tolerances with regional registrations are established for residues of hexakis (2-methyl-2-phenyl-propyl) distannoxane in or on raw agricultural commodities as follows:

Commodity	Parts per million
Raspberries	10.0

2. In part 185:

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

Authority: 15 U.S.C. 346a and 348.

b. Section 185.3550 is revised to read as follows:

§ 185.3550 Hexakis.

(a) A regulation is established permitting residues of hexakis (2-methyl-2-phenylpropyl) distannoxane in or on the following food items:

Commodity	Parts per million
Prunes	20.0
Grapes, raisins	20.0

(b) A maximum residue level regulation is established permitting residues of hexakis (2-methyl-2-phenylpropyl)distannoxane in or on the following food resulting from application to citrus:

Commodity	Parts per million
Citrus oil	140.0

This regulation reflects the maximum level of residues in citrus oil consistent with use of hexakis (2-methyl-2-phenylpropyl)distannoxane on citrus in conformity with 40 CFR 180.362 and with the use of good manufacturing practices.

3. In part 186

PART 186—[AMENDED]

a. The authority citation for part 186 would continue to read as follows:

Authority: 15 U.S.C. 348

b. Section 186.3550 is revised to read as follows:

§ 186.3550 Hexakis (2-methyl-2-phenylpropyl)distannoxane.

Regulations are established for residues of exakis (2-methyl-2-phenylpropyl)distannoxane in or on the following processed feeds when present therein as a result of application to growing crops:

Commodity	Parts per million
Apples, pomace, wet	30
Citrus, pulp, dried	100

[FR Doc. 96–6727 Filed 3–19–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7172]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed 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.