limitations specified in the FAA-approved MMEL, provided that only one Mode ''C'' transponder on the airplane is inoperative.

Reporting Requirement

(c) Within 20 days after accomplishing the initial and repetitive tests required by paragraph (a) of this AD, submit a report of the inspection and test results (both positive and negative findings) to: Peter Skaves, Aerospace Engineer, Airplane and Flight Crew Interface Branch, ANM–111, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; fax (425) 227–1320. The test results must include the Mode ''C'' transponder(s) and ADC part number(s), and must specify if any discrepancies of the Gillham wiring connections were detected, and if corrective action was required. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Airplane and Flight Crew Interface Branch, ANM–111, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance or Avionics Inspector, who may add comments and then send it to the Manager, ANM–111.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, ANM–111.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The effective date of this amendment remains November 29, 1999.

Issued in Renton, Washington, on December 10, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–32584 Filed 12–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 95–054]

RIN 2115–AF17

Regattas and Marine Parades

AGENCY: Coast Guard, DOT.

ACTION: Interim rule; delay of effective date.

SUMMARY: The Coast Guard is delaying indefinitely the effective date of the interim rule on regatta and marine parades published in the **Federal Register** on June 26, 1996. The interim rule more precisely identifies those marine events that require a permit, those that require only written notice to the Coast Guard, and those that require neither. Delay of the effective date is necessary to allow additional time to complete the consultation with the Fish & Wildlife Service and National Marine Fisheries and the environmental documentation.

DATES: The interim rule published on June 26, 1996, (61 FR 33027) and delayed by documents published on November 26, 1996, (61 FR 60027); December 29, 1997, (62 FR 67570); and December 30, 1998, (63 FR 71753) is delayed indefinitely.

FOR FURTHER INFORMATION CONTACT: For questions on this action, contact Carlton Perry, Project Manager, Office of Boating Safety, Program Management Division, by telephone at 202–267–0979 or by e-mail at *cperry@comdt.uscg.mil*.

You may obtain a copy of the interim rule and subsequent notices by calling the U.S. Coast Guard Infoline, 1–800–368–5647; by e-mail at *uscginfoline@tiscom.uscg.mil*; or by Internet at the Web Site for the Office of Boating Safety, *http://www.uscgboating.org*.

SUPPLEMENTARY INFORMATION: On June 26, 1996, the Coast Guard published an interim rule and notice of availability of environmental assessment (CGD 95–054) entitled ''Regattas and Marine Parades'' in the **Federal Register** (61 FR 33027). The interim rule revised the Coast Guard's marine event regulations to eliminate unnecessary requirements while continuing to protect the safety of life. The rule more precisely identified those events that require a permit, those that require only written notice to the Coast Guard, and those that require neither. The environmental assessment and proposed finding of no significant impact that support this rulemaking were made available to the public.

Approximately 85 comments were received in response to the interim rule and notice of availability of the environmental assessment and to the Coast Guard's previous requests for comments. Many of these comments raised concerns regarding the reporting requirements placed on the marine event sponsors and the potential environmental effects associated with changing the current regulations on regatta and marine parade permitting procedures. In addition, several comments received in response to a draft environmental impact statement (EIS) entitled ''U.S. Coast Guard Atlantic Protected Living Marine Resources Initiative'' reiterated concerns raised by the comments on the interim rule. Based on these comments and on the concerns raised during the ongoing consultation with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), the Coast Guard delayed the effective date of the interim rule. Because the Coast Guard has not yet completed its consultation with the FWS and NMFS or the required environmental documentation, the Coast Guard is delaying the effective date.

Accordingly, in FR Document 96–16319 published in the **Federal Register** on June 26, 1996, at 61 FR 33027, and as amended by notices of delay of effective date published on November 26, 1996, at 61 FR 60027; December 29, 1997, at 62 FR 67570; and December 30, 1998, at 63 FR 71753, the effective date for the referenced interim rule is delayed indefinitely.

Dated: December 7, 1999.

Ernest R. Riutta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 99–32387 Filed 12–15–99; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300950; FRL–6391–8]

RIN 2070–AB78

Metsulfuron methyl; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for the combined residues of metsulfuron methyl and its 4-hydroxy metabolite (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-hydroxybenzoate) in or on sorghum grain, sorghum forage, and sorghum fodder. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing the use of the pesticide on sorghum. This

regulation establishes maximum permissible levels for residues of metsulfuron-methyl on these food commodities. The tolerances will expire and be revoked on December 31, 2001.

DATES: This regulation is effective December 16, 1999. Objections and requests for hearings, identified by docket control number OPP–300950, must be received by EPA on or before February 14, 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–300950 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Andrew Ertman, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308–9367; and e-mail address: ertman.andrew@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 codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing 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–300950. 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, 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 tolerances for the combined residues of the herbicide metsulfuron methyl and its 4-hydroxy metabolite (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-hydroxybenzoate) in or on sorghum grain at 0.4 part per million (ppm); sorghum forage at 0.3 ppm; and sorghum fodder at 0.5 ppm. These tolerances will expire and are revoked on December 31, 2001. EPA will publish a document in the **Federal Register** to remove the revoked tolerances 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 the Federal Insecticide, Fungicide, and Rodenticide Act (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 Metsulfuron-methyl on Sorghum and FFDCA Tolerances

The current emergency situation was brought about by the loss of the chemical propazine as a section 18 chemical. The use of propazine as a preemergent application in grain sorghum was very efficacious. However, with its loss, grain sorghum producers are relying more on postemergent applications. Sorghum grows slowly in the early seedling stage and is susceptible to weed interference the first 2 to 3 weeks after crop emergence. This is especially the case in light soils where surface moisture is the major limiting growth factor. The use of methsulfuron methyl with 2,4-D

provides the producer with a wider window of application (sorghum that is 3–15'' tall) than registered alternatives.

In addition, there is less flexibility in rotation of crops after sorghum because of the carry-over problems that exist with registered alternatives, primarily atrazine. The applicants asserted that the inability to rotate other crops after sorghum will result in significant loss of income to producers. EPA has authorized under FIFRA section 18 the use of metsulfuron methyl on sorghum for control of weeds in Kansas, Oklahoma, and Texas.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of metsulfuron methyl in or on sorghum. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing these tolerances without notice and opportunity for public comment as provided in section 408(l)(6). Although these tolerances will expire and are revoked on December 31, 2001, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on sorghum grain, forage, or fodder 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 these tolerances at the time of that application. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these tolerances are being approved under emergency conditions, EPA has not made any decisions about whether metsulfuron methyl meets EPA's registration requirements for use on sorghum or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that these tolerances serve as a basis for registration of metsulfuron methyl by a State for special local needs under FIFRA section 24(c). Nor do these tolerances serve as the basis for any State other than Kansas, Oklahoma, and Texas 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 metsulfuron methyl, 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 metsulfuron methyl and to make a determination on aggregate exposure, consistent with section 408(b)(2), for time-limited tolerances for the combined residues of the herbicide metsulfuron methyl and its 4-hydroxy metabolite (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-hydroxybenzoate) in or on sorghum grain at 0.4 ppm; sorghum forage at 0.3 ppm; and sorghum fodder at 0.5 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerances 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 metsulfuron methyl are discussed in this unit.

B. Toxicological Endpoint

1. *Acute toxicity*. For acute dietary and aggregate risk assessments, the Agency established an acute reference dose (RfD) of 0.25 milligram/kilogram/day (mg/kg/day). This RfD was based on decreased body weight gain seen on gestation days 6–9 in the prenatal developmental toxicity study in rabbits. The no observed adverse effect level (NOAEL) was 25 mg/kg/day and an uncertainty factor of 100 was applied.

Because the potential for additional sensitivity of infants and children to residues of metsulfuron methyl was not assessed by the Agency, for the purposes of this section 18 only, the FQPA 10x safety factor will be retained. Therefore the acute Population Adjusted Dose (aPAD) is 0.025 mg/kg/day.

2. *Short- and intermediate-term toxicity.* For short- and intermediate-term dermal toxicity, the Agency established an endpoint of 500.0 mg/kg/day. The lowest observed adverse effect level (LOAEL) was 2,000 mg/kg/day, based on diarrhea in the 21–day dermal toxicity study in rats. Margin of exposures (MOEs) must be equal to or greater than 100 to be considered to be acceptable (i.e., to not exceed EPA's level of concern). A long-term dermal endpoint was not established for this use because long-term exposure is not expected.

3. *Chronic toxicity*. EPA has established the RfD for metsulfuron methyl at 0.25 mg/kg/day. This RfD is based on decreased body weight in the 2–year rat study. The NOAEL was 25 mg/kg/day and an uncertainty factor of 100 was applied.

Because the potential for additional sensitivity of infants and children to residues of metsulfuron methyl was not assessed by the Agency, for the purposes of this section 18 only, the FQPA 10x safety factor will be retained. Therefore the chronic Population Adjusted Dose (cPAD) is 0.025 mg/kg/day.

4. *Carcinogenicity*. Metsulfuron methyl is classified as a class E compound (not likely to be a human carcinogen). This classification was based on a 2–year rat study (HDT = 5,000 ppm, 250 mg/kg/day) and an 18–month mouse study (HDT = 5,000 ppm, 714 mg/kg/day).

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.428) for the combined residues of metsulfuron methyl and its metabolite (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5 triazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-hydroxybenzoate) in or on barley, grass, sugarcane, and wheat. These tolerances range from 0.1 ppm to 20 ppm. Tolerances are also established for metsulfuron methyl residues in milk and on the fat, meat, meat byproducts, and kidney of cattle, goats, hogs, horses, and sheep. These animal commodity tolerances range from 0.05 ppm in milk to 0.5 ppm in kidney. Results of a poultry feeding study indicate that residues will not be present in poultry commodities. Risk assessments were conducted by EPA to assess dietary

exposures and risks from metsulfuron methyl 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. In conducting this acute dietary risk assessment, EPA made very conservative assumptions: 100% crop treated is assumed for all crops and residues will be at the level of the tolerance.

The aPAD (0.025 mg/kg/day) is the level above which exposure of a subgroup exceeds EPA's level of concern. The exposures of all population subgroups (as well as the exposure of the U.S. population as a whole) are expressed as percentages of the aPAD. Therefore, exposures above 100% aPAD exceed EPA's level of concern. The existing metsulfuron methyl tolerances (published, pending, and including the necessary section 18 tolerance(s)) result in exposures that are equivalent to the following percentages of the aPAD: The U.S. population (8%), non-nursing infants < 1 year old (20%), and females 13+, nursing (6%).

The most highly exposed subgroup is non-nursing infants (< 1 year) which uses 20% of the aPAD. The exposure to metsulfuron methyl of the U.S. population and all population subgroups is below EPA's level of concern.

ii. *Chronic exposure and risk.* As with the acute analysis, in conducting this chronic dietary risk assessment, the Agency made very conservative assumptions: 100% crop treated is assumed for all crops and residues will be at the level of the tolerance. The Novigen Dietary Exposure evaluation Model (DEEM) system was used for this chronic dietary exposure analysis. The cPAD (also 0.025 mg/kg/day) is analogous to the aPAD (see discussion of aPAD, above). The existing metsulfuron methyl tolerances (published, pending, and including the necessary section 18 tolerance(s)) result in exposures that are equivalent to the following percentages of the cPAD: The U.S. population (3%), children 1–6 years old (8%), and females 13+ pregnant, not nursing (2%).

The most highly exposed subgroup, children 1–6 years, uses 8% of the cPAD. The exposure of the U.S. population and all population subgroups is below EPA's level of concern.

2. *From drinking water.* Metsulfuron methyl is persistent and mobile. There is no established maximum contaminant level (MCLs) for residues of metsulfuron methyl in drinking water. No health advisory levels for metsulfuron methyl in drinking water have been established. Estimates for the concentration of metsulfuron methyl in surface water were based on generic estimated environmental concentration (GENEEC) modeling and in ground water based on screening concentration in ground water (SCI-GROW) modeling. The maximum application rate of metsulfuron methyl (0.015 lb ai/acre) is on pasture and rangeland.

i. *Acute exposure and risk.* The peak surface water estimated concentration for metsulfuron methyl is 0.63 parts per billion (ppb). The ground water estimated concentration is 0.093 ppb. For purposes of risk assessment, the maximum EEC for metsulfuron methyl in surface water (0.63 ppb) should be used for comparison to the back-calculated human health drinking water levels of comparison (DWLOC) for the acute endpoint.

The estimated maximum concentrations of metsulfuron methyl in surface water and ground water are less than EPA's levels of comparison for metsulfuron methyl in drinking water as a contribution to acute aggregate exposure. The population subgroup with the highest dietary exposure is non-nursing infants. The DWLOC for this group is 200 micrograms/Liter (µg/L). The DWLOCs for all population subgroups exceed the maximum acute estimated environmental concentrations (EEC) of 0.63. Therefore, taking into account the present uses and uses proposed in this section 18, EPA concludes with reasonable certainty that residues of metsulfuron methyl 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 acute aggregate human health risk at this time.

EPA bases this determination on a comparison of estimated maximum concentrations of metsulfuron methyl in surface and ground water to back-calculated DWLOCs for metsulfuron methyl in drinking water. These levels of comparison in drinking water were determined after EPA considered all other non-occupational human exposures for which it has reliable data (there are no residential uses), including all current uses, and the use considered in this action. The estimate of metsulfuron methyl in surface water is derived from a water quality model that uses conservative assumptions (health-protective) regarding the pesticide transport from the point of application to surface and ground water. Because EPA considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, EPA will reassess the potential impacts of metsulfuron methyl in drinking water as a part of the acute aggregate risk assessment process.

ii. *Chronic exposure and risk.* The 56–day average surface water estimated concentration for metsulfuron methyl is 0.61 ppb. The ground water estimated concentration is 0.093 ppb. For purposes of risk assessment, the average EEC for metsulfuron methyl in surface water (0.61 ppb) should be used for comparison to the back-calculated human health drinking water levels of comparison (DWLOC) for the chronic (non-cancer) endpoint.

The estimated average concentrations of metsulfuron methyl in surface water and ground water are less than EPA's levels of comparison for metsulfuron methyl in drinking water as a contribution to chronic aggregate exposure. The population subgroup with the highest dietary exposure is children 1–6 years old. The DWLOC for this subgroup is 230 µg/L. The DWLOCs for all population subgroups exceed the chronic average EEC of 0.61 ppb. Therefore, taking into account the present uses and uses proposed in this section 18 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 metsulfuron methyl in drinking water (when considered along with other sources of chronic exposure for which the Agency has reliable data) would not result in an unacceptable estimate of chronic (non-cancer) aggregate human health risk at this time.

EPA bases this determination on a comparison of estimated average concentrations of metsulfuron methyl in surface and ground water to back-calculated DWLOCs for metsulfuron methyl in drinking water. These levels of comparison in drinking water were determined after EPA considered all other non-occupational human exposures for which it has reliable data (there are no residential uses), including all current uses, and the use considered in this action. The estimate of metsulfuron methyl in surface water is derived from a water quality model that uses conservative assumptions (health-protective) regarding the pesticide transport from the point of application to surface and ground water. Because the Agency considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's

uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, the Agency will reassess the potential impacts of metsulfuron methyl in drinking water as a part of the chronic (non-cancer) aggregate risk assessment process.

3. *From non-dietary exposure.* Metsulfuron methyl is not currently registered for use on residential non-food sites. Because there are no residential uses registered, a risk assessment on acute exposure, chronic exposure, and short- and intermediate-term exposures relating to non-dietary exposures were not conducted.

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 metsulfuron methyl 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, metsulfuron methyl 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 metsulfuron methyl 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.* Acute aggregate exposure risk assessment is limited to food + water only because there are no residential uses registered. The risk from acute exposure to metsulfuron methyl in food and drinking water is below the Agency's level of concern for the U.S. population and all population subgroups. See Units IV.C.1.i. and IV.C.2.i. for details on this topic.

2. *Chronic risk.* There are no registered residential uses or registered uses which will result in application or post-application residential exposure; therefore, aggregate exposure risk assessment will be limited to food + water only. The risk from chronic exposure to metsulfuron methyl in food and drinking water is below the Agency's level of concern for the U.S. population and all population subgroups. See Units IV.C.1.i. and IV.C.2.i. for details on this topic.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure.

There are no registered residential uses or registered uses which will result in application or post-application residential exposure; therefore, these aggregate exposure risk assessments are not required. See section (C)(3) for details on this topic.

4. *Aggregate cancer risk for U.S. population.* Metsulfuron methyl has been classified by the Agency as a class E compound (not likely to be a human carcinogen); therefore, 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 metsulfuron methyl residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

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 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.

A conservative risk assessment for expedited actions (i.e., section 18s) may be performed, assuming that an FQPA safety factor of 10x is retained. If risk estimates do not exceed the Agency's level of concern under these circumstances, the action can go forward, noting that the safety factor determination applies only to this action and is subject to change when the chemical undergoes full review by the FQPA Safety Factor Committee. Because the potential for additional sensitivity of infants and children to residues of metsulfuron methyl was not assessed by the Agency, for the purposes of this section 18 only, the FQPA 10x safety factor will be retained. Therefore, the MOE/safety factor is 1,000.

As noted above, because the Agency did an expedited conservative risk assessment, for the purposes of this section 18 only, the FQPA 10x safety factor will be retained. Therefore, both the aPAD and cPAD are 0.025 mg/kg/day, adding the additional 10x to the RfDs of 0.25 mg/kg/day.

1. *Acute risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to metsulfuron methyl from food will utilize between 4% and 20% of the aPAD for infants and children. EPA generally has no concern for exposures below 100% of the aPAD because the aPAD represents the level at or below which acute dietary exposure will not pose appreciable risks to human health.

The estimated maximum concentrations of metsulfuron methyl in surface water and ground water are less than EPA's levels of comparison for metsulfuron methyl in drinking water as a contribution to acute aggregate exposure. The population subgroup with the highest dietary exposure is non-nursing infants. The DWLOC for this group is 200 µg/L. The DWLOCs for all population subgroups exceed the maximum acute EEC of 0.63. Therefore, taking into account the present uses and uses proposed in this section 18, EPA concludes with reasonable certainty that residues of metsulfuron methyl 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 acute aggregate human health risk at this time.

2. *Chronic risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to metsulfuron methyl from food will utilize between 1% and 8% of the cPAD for infants and children. EPA generally has no concern for exposures below 100% of the cPAD because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health.

The estimated average concentrations of metsulfuron methyl in surface water

and ground water are less than EPA's levels of comparison for metsulfuron methyl in drinking water as a contribution to chronic aggregate exposure. The population subgroup with the highest dietary exposure is children 1–6 years old. The DWLOC for this subgroup is 230 µg/L. The DWLOCs for all population subgroups exceed the chronic average EEC of 0.61 ppb. Therefore, taking into account the present uses and uses proposed in this section 18 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 metsulfuron methyl 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. *Short- or intermediate-term risk.* There are no registered residential uses or registered uses which will result in application or post-application residential exposure; therefore, these aggregate exposure risk assessments are not required.

4. *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 metsulfuron methyl residues.

V. Other Considerations

A. Metabolism in Plants and Animals

1. *Plants*. The nature of the residue is understood for cereal grains. The residue to be regulated consists of metsulfuron methyl and its metabolites methyl 2-[[[[(4-methyoxy-6-methyltriazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-beta-D-glycopyranosylbenzoate (metabolite A) and methyl 2-[[[[(4-methoxy-6-methyltriazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-hydroxybenzoate (metabolite A1). The latter metabolite can be formed from metabolite A through enzymatic hydrolysis.

2. *Animals*. Metabolism studies were conducted for metsulfuron methyl in rat and goat and metabolite A in goat. The residue to be regulated was determined to be parent only. Metsulfuron methyl was the major component in milk. Saccharin was the major component in liver and was judged not to be of concern. Levels in other tissues were ≤ 20 ppb. However, the dose level of 3.4 ppm in the diet was only about equal to the calculated dietary intake, and there are no studies in which the triazine moiety was labeled. Liver and milk were the only tissues characterized, and a sample chromatogram was submitted from the milk analysis only. A subsequent petition (for grass forage, hay and fodder) resulted in a potentially higher contribution to the diet of ruminants 15 ppm. Any subsequent use which results in a significant contribution to the dietary intake of the herbicide will require submission of a new ruminant metabolism study in which the triazine portion of the molecule is labeled, the dose level is appropriate (≧ 1x rate and at least 10 ppm) and residues in muscle, fat, kidney, liver and milk are fully characterized.

Sorghum grain can constitute up to 80% of the diet of poultry. A poultry metabolism study has been submitted, but has not been fully reviewed by the Agency. The results were similar to the results of the goat and rat metabolism studies in that parent metsulfuron methyl was excreted largely unchanged. A minor portion was metabolized to *O*-desmethyl metsulfuron methyl. As a result, EPA concludes that for the purposes of this section 18 the nature of the residue in poultry is understood.

B. Analytical Enforcement Methodology

1. *Plants.* An adequate analytical method is available for enforcement of the proposed tolerances in sorghum. This method (AMR 1797–90, Revision No. 1: Analytical Method for the Quantitation of DPX–T6376 (Ally) in Wheat Grain and Straw,'' 1991) is an HPLC method. The limit of quantitation (LOQ) is based on spike recoveries and is reportedly 0.050 ppm for sorghum grain and 0.10 ppm for forage hay and stover. For processed commodities, the LOQ for process and steep water fractions was 0.02 ppm and the LOQ for all other fractions was 0.050 ppm. Metabolites A and A1 were determined by a procedure derived from Dupont's AMR 238–84 and AMR 1934–91, Revision 1. This method is also an HPLC method and has the same quantitation limits as the method for parent does. In this procedure, metabolite A is converted to metabolite A1. As a result, the residue of concern is parent and metabolite A1.

In addition to the methods described above, two regulatory analytical methods are also given in PAM II for metsulfuron methyl and its metabolites. The method for metsulfuron methyl is titled ''High-Performance Liquid Chromatographic Determination of Metsulfuron Methyl Residues in Crops,'' L.W. Hershberger, DuPont Document No. AMR–104–82, Revision B, February 20, 1986. [PAM II, Method I]. The method for the metabolites is: ''High-Performance Liquid Chromatographic Determination of Residues of Metsulfuron Methyl Metabolites A and A1 in Cereal Grain Crops,'' L.W. Hershberger, Du Pont Document No. AMR–238–84, Revision B, March 27, 1986. [PAM II, Method III]

Adequate analytical methodology is available for enforcement of the proposed tolerances.

2. *Animals*. A method is available for enforcement of tolerances in bovine tissues and milk (Method II in PAM II).

C. Magnitude of Residues

Residues of metsulfuron methyl and its 4-hydroxy metabolite (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]-amino]sulfonyl]-4-hydroxybenzoate) are not expected to exceed the following levels: sorghum grain at 0.4 part per million (ppm); sorghum forage at 0.3 ppm; and sorghum fodder at 0.5 ppm.

D. International Residue Limits

There are no Codex, Canadian, or Mexican Maximum Residue Limits (MRLs) for metsulfuron methyl on sorghum.

E. Rotational Crop Restrictions

Minimum rotation intervals of 1 to 22 months are specified explicitly for wheat, field corn, soybeans, and cotton. For all other crops, the minimum rotation interval is 34 months.

VI. Conclusion

Therefore, the tolerance is established for the combined residues of the herbicide metsulfuron methyl and its 4-hydroxy metabolite (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]-amino]sulfonyl]-4-hydroxybenzoate) in or on sorghum grain at 0.4 part per million (ppm); sorghum forage at 0.3 ppm; and sorghum fodder 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–300950 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 February 14, 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–300950, 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: December 1, 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. By revising §180.428, to read as follows:

§ 180.428 Metsulfuron methyl; tolerances for residues.

(a) *General.* (1) Tolerances are established for the combined residues of the herbicide metsulfuron methyl (methyl 2-[[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino] carbonyl]amino]sulfonyl]benzoate) and its metabolite methyl 2-[[[[[(4-methoxy-6-methyl-1-,3,5-triazin-2-yl)amino]carbonyl]amino] sulfonyl]-4-hydroxybenzoate in or on the following raw material agricultural commodities:

Commodity	Parts per million
Barley, grain	0.1
Barley, hay	20.0
Barley, straw	0.3
Grass, fodder	15.0
Grass, forage	15.0
Grass, hay	15.0
Sugarcane	0.05
Wheat, grain	0.1
Wheat, green forage	5.0
Wheat, hay	20.0
Wheat, straw	0.3

(2) Tolerances are established for residues of metsulfuron methyl (methyl-2[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) amino]carbonyl] amino]sulfonyl]benzoate) in or on the following raw agricultural commodities:

Commodity	Parts per million
Cattle, fat	0.1
Cattle, kidney	0.5
Cattle, meat	0.1
Cattle, meat byproduct	0.1
Goats, fat	0.1
Goats, kidney	0.5
Goats, meat	0.1
Goats, meat byproduct	0.1
Hogs, fat	0.1
Hogs, kidney	0.5
Hogs, meat	0.1
Hogs, meat byproduct	0.1
Horses, fat	0.1
Horses, kidney	0.5
Horses, meat	0.1
Horses, meat byproduct	0.1
Milk	0.05
Sheep, fat	0.1
Sheep, kidney	0.5
Sheep, meat	0.1
Sheep, meat byproduct	0.1

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for the combined residues of the herbicide metsulfuron methyl and its 4-hydroxy metabolite (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) amino]carbonyl]-amino] sulfonyl]-4-hydroxybenzoate)] in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. The tolerances will expire and are revoked on the dates specified in the following table.

Commodity	Parts per million	Expiration/ Revocation Date
Sorghum, fodder	0.5	12/31/01
Sorghum, forage	0.3	12/31/01
Sorghum, grain	0.4	12/31/01

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

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

[FR Doc. 99–32652 Filed 12–15–99; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

RIN 3067–AD05

National Flood Insurance Program (NFIP); Standard Flood Insurance Policy

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: We (FEMA) are increasing the limit of liability under Coverage D—Increased Cost of Compliance of the Standard Flood Insurance Policy from $15,000 to $20,000. New information indicates an expected decrease in annual claims, and based on this decrease, we believe the limit of liability can be increased with no change in premium.

EFFECTIVE DATE: May 1, 2000.

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Jr., Federal Emergency Management Agency, Federal Insurance Administration, (202) 646–3422, (facsimile) (202)646–4327, or (email) charles.plaxico@fema.gov.

SUPPLEMENTARY INFORMATION: On February 25, 1997, we published in the **Federal Register**, 62 FR 8391, a final rule that adds Coverage D—Increased Cost of Compliance (ICC) to the Standard Flood Insurance Policy. We set the limit of liability for this coverage at $15,000. We considered several issues in arriving at that figure.

First, the pricing for this coverage has to be actuarially sound with premiums varying, to the extent possible, by risk. Second, § 555 of the National Flood Insurance Reform Act of 1994, which