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[FR Doc. 94–18659 Filed 7–29–94; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 799

[OPPTS–42163; FRL 4642–3]

Testing Consent Order For Bisphenol A Diglycidyl Ether

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Consent Agreement and Order; Final rule.

SUMMARY: EPA has issued a Testing Consent Order that incorporates an Enforceable Consent Agreement (ECA) pursuant to the Toxic Substances Control Act (TSCA), with the Dow Chemical Company, Shell Oil Company, and Ciba-Geigy Corporation, (the Companies) who have agreed to perform certain health effects tests and an exposure evaluation test with bisphenol A diglycidyl ether (DGEBPA; CAS No. 1675–543). This document summarizes the ECA, amends 40 CFR 799.5000 by adding DGEBPA to the list of chemical substances and mixtures subject to ECAs and deletes DGEBPA from the proposed test rule for the category glycidol and its derivatives. Accordingly, the export notification requirements of 40 CFR part 707 apply to DGEBPA.

EFFECTIVE DATE: August 1, 1994.

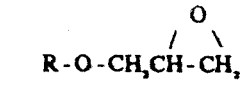
FOR FURTHER INFORMATION CONTACT: Susan Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: This document amends 40 CFR 799.5000 by adding DGEBPA to the list of chemical substances and mixtures subject to ECAs and export notification requirements.

I. Regulatory History

A. ITC Designation

In its Third Report to the Administrator of the Environmental Protection Agency, published in the **Federal Register** on October 30, 1978 (43 FR 50630), the Interagency Testing Committee (ITC) designated the category of "glycidol and its derivatives" for priority consideration for health effects testing in the following areas: mutagenicity, carcinogenicity, and other adverse health effects, with particular emphasis on the reproductive system. Epidemiology studies were also recommended. The rationale for the original designation is discussed in the **Federal Register** of October 30, 1978 (43 FR 50630). This chemical category was defined by the ITC as all substances of the general formula:



where R is a hydrogen atom or any alkyl, aryl, or acyl group. R is unrestricted as to the number and type of substitutes it may carry.

In evaluating the testing needs for glycidyls, EPA considered all relevant information, including the following: information presented in the ITC's report; information regarding production volume, use, exposure, and release reported by manufacturers of glycidyls under the TSCA section 8(a) Preliminary Assessment Information Rule (40 CFR part 712); health and safety studies submitted under TSCA section 8(d) Health and Safety Reporting Rule (40 CFR part 716) for glycidyls; and published and unpublished information available to EPA. On December 30, 1983, EPA published an advanced notice of proposed rulemaking (ANPR) in the **Federal Register** (48 FR 57562) to require testing glycidyls under section 4(a) of TSCA.

EPA evaluated and responded to public comments on the ANPR in a document (Ref. 1), entitled "Support Document for Glycidol and its Derivatives: Responses to Public Comments on the Advance Notice of Proposed Rulemaking" (December, 1989).

In addition, EPA developed a technical support document for glycidol and its derivatives (Ref. 2). This document includes data on the identity and chemical/physical properties of the substances contained in this chemical category, as well as information on the production, uses, chemical fate, human exposure, and health effects for these substances. Subsequently, EPA

summarized the information in this technical support document, as well as more recent information from other sources, in an additional support document for glycidyls (Ref. 3) outlining the data supporting EPA's findings under section 4(a)(1) of TSCA for certain substances contained in the category.

A meeting was held on May 17, 1984, between representatives from the Epoxy Resins Program Panel of the Chemical Manufacturers Association (CMA) and EPA personnel concerning this chemical category. Meetings were also held on January 25, 1989, and May 17, 1989, between EPA and representatives of various working units of the Society of the Plastics Industry, Inc. (SPI). An Epoxides Workshop was held on April 25, 1990, at which EPA personnel and representatives of SPI were scheduled to discuss, among other topics, the glycidyls testing category as it relates to the broader issues concerning epoxides in general. Copies of the overhead slides, which were supplied in advance to SPI, have been placed in the record for the proposed rulemaking, along with summaries of the meetings held and copies of all support documents.

B. Proposed Test Rule

EPA published a proposed test rule for the category glycidol and its derivatives (56 FR 57144, November 7, 1991). EPA proposed health effects testing which included testing for subchronic toxicity, developmental toxicity, reproductive toxicity, neurotoxicity, mutagenicity, and oncogenicity.

EPA evaluated the public comments submitted after the test rule was proposed and responded to these comments in a document entitled "Support Document for Glycidol and its Derivatives: Responses to Public Comments on the Proposed Rulemaking; DGEBPA" (July, 1993) (Ref. 4).

C. Enforceable Consent Agreement Negotiations

On July 17, 1992, EPA published a **Federal Register** notice (57 FR 31714) announcing an "open season." The "open season" was a period during which manufacturers could submit to EPA proposals for testing chemical substances which had been proposed for testing by EPA but had not been subject to a final test rule. In that notice, EPA indicated that it would review the submissions and select candidates for negotiation of ECAs pursuant to 40 CFR part 790. EPA also indicated that it would later publish a **Federal Register** notice soliciting persons interested in participating in or monitoring negotiations for the development of ECAs on the chemicals selected.

On March 30, 1993, EPA published a **Federal Register** notice (58 FR 16669) announcing candidates selected for ECA negotiations and requesting that interested parties identify themselves to EPA. One of the glycidyls, DGEBPA, was selected. The notice established EPA's priority for initiating negotiations on the chemicals selected, and DGEBPA was among the chemicals assigned a high priority. The notice announced tentative dates for starting negotiations on DGEBPA and the other high-priority chemicals.

The Dow Chemical Company, Shell Oil Company, and Ciba-Geigy Corporation identified themselves through their agent, SPI, as interested parties. On May 18, 1993, EPA held a public meeting attended by representatives of interested parties. At the public meeting, SPI, on behalf of its member companies, presented a proposed testing plan and provided test protocols (Ref. 5) which would characterize the potential of DGEBPA for oncogenicity, neurotoxicity, male reproductive toxicity, and mutagenicity. In addition, SPI offered to undertake a glove permeability study and to implement a product stewardship program as a means of assessing and reducing worker exposure to DGEBPA. EPA also made available its draft proposal for testing on DGEBPA.

On June 1, 1993, EPA requested additional information from SPI to be used in conjunction with evaluating the testing plan (Ref. 6). In response to EPA's request, SPI submitted information (Refs. 7 through 15) and requested an opportunity to meet with EPA again.

On June 29, 1993, EPA convened a second public meeting attended by representatives of interested parties. At the public meeting, SPI, on behalf of its member companies, presented a testing proposal and test protocols (Ref. 16). Protocols were presented for a 2–year bioassay, a subchronic study (with satellite studies for testing for reproductive toxicity, neurotoxicity, and mutagenicity); all studies would be conducted via the dermal route of exposure. In addition, SPI reiterated its offer to perform a glove permeability study and implement a product stewardship program for DGEBPA.

EPA proposed that all testing of DGEBPA be conducted via the oral route of administration. After consideration of SPI's proposed testing plan and review of new information (Refs. 17, 18 and 19) submitted to EPA by SPI, EPA has determined that testing via the dermal route of exposure is consistent with DGEBPA's physical properties and the typical route of human exposure to DGEBPA, that significant systemic absorption occurs when DGEBPA is applied dermally, and that a higher percentage of parent compound will be absorbed if administered dermally than if given orally and extensively hydrolyzed at acid pH of the stomach. For these reasons, testing via the dermal route of exposure is appropriate.

EPA proposed testing DGEBPA for developmental toxicity. After considering new information presented to EPA by SPI (Refs. 20, 21 and 22), EPA has determined that sufficient information already exists to evaluate the potential for developmental toxicity from exposure to DGEBPA. For this reason, further tests are not needed at this time.

EPA proposed testing DGEBPA for mutagenicity[1]. After consideration of SPI's proposed testing plan and new information presented to EPA by SPI (Ref. 7), EPA has determined that for many of the tests proposed, information has already been developed; thus these tests are no longer necessary.

The Companies have agreed to perform testing for oncogenicity, subchronic toxicity, reproductive toxicity, and neurotoxicity, and glove permeability by specified dates according to test standards described below. In addition, the Companies are voluntarily developing and implementing a DGEBPA product stewardship program (PSP) that includes the following primary elements: application and communication of health and safety data; new data development; pollution prevention, waste minimization, and other exposure reduction actions; and continuous improvement in measurement and reporting activities. EPA believes that this PSP makes significant progress toward reducing the potential risk of injury to health and the environment posed by exposure to DGEBPA. The results of the testing program in the DGEBPA ECA are expected to aid in the periodic EPA and industry evaluation of the PSP to determine its adequacy and effectiveness.

[1]Specifically, EPA proposed the *salmonella typhimurium*, reverse mutation assay, detection of gene mutations in somatic cells in culture, sex linked recessive lethal test in *drosophila melanogaster*, a mouse specific-locus assay or mouse biochemical specific assay, *in vitro* mammalian cytogenetics assay, *in vivo* mammalian cytogenetics assay, rodent dominant lethal assay and a rodent heritable translocation assay for DGEBPA.

II. Production, Use, and Exposure

DGEBPA and other glycidyl derivatives are produced by reacting epichlorohydrin with a compound having one or more active hydrogen atoms, followed by dehydrohalogenation (Ref. 23). On the basis of the Inventory Update Rule (40 CFR part 710, subpart B) or from other sources, EPA estimates annual production volume for DGEBPA to be approximately 400 million pounds (Ref. 5). The production volume of DGEBPA, represents greater than 95 percent of the total volume of production for the entire category of glycidol and its derivatives.

The uses for all glycidyls are listed in the technical support document developed after the ANPR was published (Ref. 2). Primarily, DGEBPA is the principal component in epoxy resins. Other glycidyl compounds are used as reactive diluents. Resins which are then reacted with curing agents to yield high performance thermosetting plastics, used in a large variety of application such as strong adhesives or coatings.

Glycidol and its esters and ethers are produced within "closed systems" (Refs. 24 and 25); however, EPA believes that some worker exposure may occur during this production process, due to intermittent high-level exposures during maintenance operations, or resulting from spills or leaks from the "closed systems."

In addition, workers may be exposed by the dermal and inhalation routes to glycidyl derivatives during the processing of glycidyl ethers and esters for various uses, particularly since these processes are generally conducted in an open system (Ref. 24). The National Institute for Occupational Safety and Health (NIOSH) has estimated the number of workers potentially exposed to glycidol and its derivatives, and these estimates appear in an exposure support document prepared for the proposed rulemaking (Ref. 24). NIOSH has estimated that 36,697 workers in the United States are potentially exposed to glycidol, that 52,838 workers may be exposed to glycidyl ethers, and that 42,469 workers may be exposed to glycidyl esters. Furthermore, recent estimates suggest that up to 3 million people in the United States may be exposed to DGEBPA through the consumer and commercial use of epoxy resins (Ref. 25).

III. Testing Program

The Companies have agreed to complete the following testing:

TABLE 1.—TESTING REQUIRED FOR DGEBPA

Description of Tests	Test Standard (40 CFR citation)	Deadline for Final Reports Months[1]	Final Report Date[2]
2-year Bioassay	798.3320 as amended (Appendix I)	53	8
Subchronic Toxicity Study	798.2250 as amended (Appendix II)	21	3
Functional Observation Battery: subchronic	798.6050 as amended (Appendix III)	21	3
Motor Activity Test: subchronic	798.6200 as amended (Appendix III)	21	3
Neuropathology: subchronic	798.6400 as amended (Appendix III)	21	3
Functional Observation Battery: acute[3]	798.6050 as amended (Appendix IV)	12[4]	1
Motor Activity Test: acute[5]	798.6200 as amended (Appendix IV)	12[6]	1
Neuropathology Test: acute[7]	798.6400 as amended (Appendix IV)	12[8]	1
Reproductive Toxicity Test	798.4700 as amended (Appendix V)	21	3
Glove Permeability Test	ASTM as amended (Appendix VI)	12	1

[1] Number of months after the effective date of the Consent Order.
[2] Interim reports are required every 6 months from the effective date until the final report is submitted. This column shows the number of interim reports required for each test.
[3] If the Agency determines that the results of the subchronic study are not negative, then this required testing must be performed.
[4] Figure indicates that reporting deadline, in months, calculated from the date of notification of the test sponsor by certified letter or FEDERAL REGISTER notice, that the Agency has determined that this required testing must be performed.
[5] If the Agency determines that the results of the subchronic study are not negative, then this required testing must be performed.
[6] Figure indicates that reporting deadline, in months, calculated from the date of notification of the test sponsor by certified letter or FEDERAL REGISTER notice, that the Agency has determined that this required testing must be performed.
[7] If the Agency determines that the results of the subchronic study are not negative, then this required testing must be performed.
[8] Figure indicates that reporting deadline, in months, calculated from the date of notification of the test sponsor by certified letter or FEDERAL REGISTER notice, that the Agency has determined that this required testing must be performed.

IV. Export Notification

The issuance of the ECA and Order subjects any persons who export or intend to export the chemical substance, DGEBPA (CAS No. 1675-54-3), of any purity, to the export notification requirements of section 12(b) of TSCA and the regulations promulgated pursuant to it at 40 CFR part 707. The listing of the chemical substance or mixture at 40 CFR 799.5000 serves as a notification to persons who intend to export such chemical substance or mixture that the substance or mixture is the subject of an ECA and Order and 40 CFR part 707 applies.

V. Deletion from Proposed Rule

EPA and the Companies have agreed that the DGEBPA testing requirements in the proposed rule will be met by implementing the ECA and Order, and the issuance of the ECA and Order by EPA constitutes final EPA action for purposes of 5 U.S.C. 704. Therefore, the proposed testing rule of DGEBPA, in the proposed test rule for the category glycidol and its derivatives, published at 56 FR 57144, November 7, 1991, will not be adopted as final.

VI. Public Record

A. Supporting Documentation

EPA has established a record for this ECA and Order, under docket number OPPTS-42168, which is available for inspection Monday through Friday, excluding legal holidays, in the TSCA Nonconfidential Information Center, NE B607 401 M St., SW., Washington, DC., 20460, from 1 p.m. to 4 p.m. Information claimed as Confidential Business Information (CBI) while a part of the record, is not available for public review. This record contains the basic information considered in developing this ECA and Order and includes the following information:

(1) Testing Consent Order for DGEBPA, with incorporated Enforceable Consent Agreement and associated testing protocols attached as appendices.

(2) **Federal Register** notices pertaining to this notice and the Testing Consent

Order incorporating the ECA consisting of:

(a) Notice of Proposed Rulemaking for Glycidol and its Derivatives, (November 7, 1991, 56 FR 57144).

(b) Notice announcing opportunity to initiate negotiations for TSCA section 4 testing consent agreements (July 17, 1992, 57 FR 31714).

(3) Communications consisting of:

(a) Written letters.

(b) Contact reports of telephone summaries.

(c) Meeting summaries.

(4) Reports - published and unpublished factual materials.

B. References

(1) USEPA, U.S. Environmental Protection Agency. Test Rules Development Branch. "Support Document for Glycidol and its Derivatives: Responses to Comments on the Advance Notice of Proposed Rulemaking." (December, 1989).

(2) Syracuse Research Corporation. "Draft Final Technical Support Document: Glycidol and its Derivatives." (November 11, 1986).

(3) USEPA. U.S. Environmental Protection Agency. Test Rules Development Branch. "Support Document for Glycidol and its Derivatives: Review of Available Health Effects Data." (October, 1987).

(4) USEPA. U.S. Environmental Protection Agency. Chemical Testing and Information Branch. "Support Document for Glycidol and its Derivatives: Responses to Comments on the Proposed Rulemaking; Bisphenol A diglycidyl ether." (September, 1993).

(5) The Society of the Plastics Industry, Inc. "DGEBPA Enforceable Consent Agreement Presentation." (May 18, 1993).

(6) USEPA. U.S. Environmental Protection Agency. "Diglycidyl ether of Bisphenol A, Review of Testing Proposal," letter from Keith J. Cronin to Lynn R. Harris (Society of the Plastics Industry Inc.). (June, 1993).

(7) Pullin, Terry, G. Report to the Dow Chemical Company entitled: "Integrated Mutagenicity Testing Program on Several Epoxy Compounds." (December 28, 1977).

(8) Bently, et al., "Hydrolysis of bisphenol A diglycidyl ether by epoxide hydrolases in cytosolic and microsomal fractions of mouse liver and skin: inhibition by bis epoxycyclopentylether and the effects upon the covalent binding to mouse skin DNA." *Carcinogenesis*, vol. 10, no. 2 pp. 321–327, 1989.

(9) Magdalou, J., and Hammock, B. "1,2 Epoxycycloalkanes: Substrates and Inhibitors of Microsomal and Cytosolic Epoxide Hydrolases in Mouse Liver." *Biochemical Pharmacology*, vol. 37, no. 14, pp. 2717–2722, 1988.

(10) DiGiovanni, J. "Multistage Carcinogenesis in Mouse Skin." *Pharmacology Therapeutics*, vol. 54, pp. 63–128, 1992

(11) Li, D., and Randerath, K. "Strain differences of I-compounds in relation to organ sites of spontaneous tumorigenesis and non-neoplastic renal diseases in mice." *Carcinogenesis*, vol. 11, no. 2 pp. 251–255, 1990.

(12) Rao, et al. "Mouse Strains for Chemical Carcinogenicity Studies: Overview of Workshop." *Fundamental and Applied Toxicology*, vol. 10, pp. 385–394, 1988.

(13) USEPA. U.S. Environmental Protection Agency. Summary of: "Workshop on Carcinogenesis Bioassay via the Dermal Route." (April 29, 1987).

(14) USEPA. U.S. Environmental Protection Agency. Summary of: "Second EPA Workshop on Carcinogenesis via the Dermal Route." (May 18, 1988).

(15) USEPA. U.S. Environmental Protection Agency. Office of Pesticides and Toxic Substances. Atlas of Dermal Lesions (August, 1990).

(16) The Society of the Plastics Industry, Inc. "DGEBPA Enforceable Consent Agreement Presentation." (June 29, 1993).

(17) Nolan, R., and Unger, L. Report to the Dow Chemical Company entitled: "Diglycidyl Ether of Bisphenol A (DGEBPA): Fate in Male Fischer 344 Rats (Probe)." (December 15, 1981).

(18) Climie, et al. "Metabolism of the epoxy resin component 2,2-bis[4-(2,3-epoxypropoxy)phenyl]propane, the diglycidyl ether of bisphenol A (DGEBPA) in the mouse." Part I "A comparison of the fate of a single oral dose of 14C-DGEBPA." *Xenobiotica*, vol. 11, no.6, pps 391–300, 1981.

(19) Climie, et al. "Metabolism of the epoxy resin component 2,2–bis[4-(2,3-epoxypropoxy)phenyl]propane, the diglycidyl ether of bisphenol A (DGEBPA) in the mouse." Part II - "Identification of metabolites in urine and faeces following a single oral dose of 14C-DGEBPA." Xenobiotica, vol.11, no.6, pps 401–424, 1981.

(20) Smith, et al. Report to Ciba-Geigy Ltd., entitled: "A Study of the Effect of TK 10490 on the Pregnancy of the Rat." (July 19, 1988).

(21) Smith, et al. Report to Ciba-Geigy Ltd., entitled: "A Study of the Effect of TK 10490 on the Pregnancy of the Rabbit." (July 19, 1988).

(22) Smith, et al. Report to Ciba-Geigy Ltd., entitled: "A Study of the Effect of TK 10490 on Reproductive Function of One Generation in the Rat." (February 2, 1989).

(23) Lee, H., and Neville, K. "Epoxy Resins." In: *Encyclopedia of Polymer Science and Technology*, vol. 6. N.M. Bikales, and J. Conrad, eds. New York, NY: Interscience Publishers, pp. 209–271. (1967).

(24) JRB Associates. "TSCA Section 4 Human Exposure Assessment: Glycidol and its Derivatives (Final Report)." (February 4, 1982).

(25) Versar, Inc. "Consumer Exposure to the Glycidols (Draft Final Report)." (December 1, 1983).

VII. Regulatory Assessment Requirements

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this Consent Order under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and has assigned OMB control number 2070–0033.

Public reporting burden for this collection of information is estimated to average 586 hours per response. The estimates include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the collection of information.

List of Subjects in 40 CFR Part 799

Chemicals, Chemical export, Environmental protection, Hazardous substances, Health effects, Laboratories, Reporting and recordkeeping requirements, and Testing.

Dated: July 8, 1994.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I, subchapter R, part 799 is amended as follows:

PART 799—[AMENDED]

1. The authority citation continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.5000 is amended by revising the section heading to read as set forth below and by adding bisphenol A diglycidyl ether to the table in CAS Number order, to read as follows:

§799.5000 Testing Consent Orders for Substances and Mixtures with Chemical Abstract Service Registry Numbers.

* * * * *

CAS Number	Substance or Mixture name	Testing	FR Publication date
•	•	•	•
4675–54–3	Bisphenol A diglycidyl ether	Health effects Exposure evaluation	August 1, 1994
•	•	•	•

[FR Doc. 94-18560 Filed 7-29-94; 8:45 am]
BILLING CODE 6560-50-F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7600]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Deputy Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

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

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

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

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

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows: