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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2002-0043; FRL-8376-1]

Pesticide Tolerance Nomenclature Changes; Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Technical Amendments.

SUMMARY: This document makes minor technical revisions to the terminology of certain commodity terms listed under 40 CFR part 180, subparts A, C, and E. EPA is taking this action to establish a uniform listing of commodity terms throughout part 180.

DATES: This regulation is effective October 10, 2008. Objections and requests for hearings must be received on or before December 9, 2008, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the

SUPPLEMENTARY INFORMATION)

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2002-0043. To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Stephen Schaible, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9362; e-mail address: schaible.stephen@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 entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

B. How Can I Access Electronic Copies of this Document?

In addition to accessing an electronic copy of this **Federal Register** document through the electronic docket at <http://www.regulations.gov>, you may access this **Federal Register** document electronically through the EPA Internet under the "Federal Register" listings at <http://www.epa.gov/fedrgstr>. You may also access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at <http://www.gpoaccess.gov/ecfr>.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions

provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2002-0043 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 as required by 40 CFR part 178 on or before December 10, 2008.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA-HQ-OPP-2002-0043, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.
- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

II. Background

A. What Action is the Agency Taking?

EPA's Office of Pesticide Programs (OPP) has developed a commodity vocabulary database entitled "Food and Feed Commodity Vocabulary." The database was developed to consolidate all the major OPP commodity vocabularies into one standardized vocabulary. As a result, all future pesticide tolerances issued under 40 CFR part 180 will use the "preferred commodity term" as listed in the aforementioned database. Previously, seven documents in a series of documents revising the terminology of commodity terms currently in tolerances in 40 CFR part 180 have been published. Final Rules, revising pesticide tolerance nomenclature, were published in the **Federal Register** on June 19, 2002 (67 FR 41802) (FRL-6835-2); June 21, 2002 (67 FR 42392) (FRL-7180-1); July 1, 2003 (68 FR

39428) (FRL-7308-9) and (68 FR 39435)(FRL-7316-9); December 13, 2006 (71 FR 74802) (FRL-8064-3); and September 18, 2007 (72 FR 53134)(FRL-8126-5); corrected on October 31, 2007 (72 FR 61535)(FRL-8151-4).

In the **Federal Register** of June 18, 2008 (73 FR 34678), EPA issued a proposed rule proposing to revise the terminology for certain commodity terms in 40 CFR part 180, subparts A, C and E. The issuance of this document finalizes the changes proposed in the June 18, 2008 issue of the **Federal Register**. EPA is making the following format changes to the terminology of the commodity terms in 40 CFR part 180 to the extent the terminology is not already in this format:

1. The first letter of the commodity term is capitalized. All other letters, including the first letter of proper names, are changed to lower case.
2. Commodity terms are listed in the singular, although there are the following exceptions: leaves, roots, tops, greens, hulls, vines, fractions, shoots, and byproducts.
3. Commodity terms are amended so that generic terms precede modifying terms. Example - Aspirated grain fractions is replaced with Grain, aspirated fractions.
4. Crop group terms are revised to standardize with the "Food and Feed Commodity Vocabulary." Examples are:
 - Vegetable, leafy greens, except Brassica, group 4 is replaced with Vegetable, leafy, except brassica, group 4.
 - Legume vegetables, succulent or dried (except soybean) is replaced with Vegetable, legume, group 6, except soybean.
 - Vegetable, legume, edible podded, subgroup is replaced with Vegetable, legume, edible podded, subgroup 6A.

B. Additional Changes

In addition to format changes to the commodity terms, this document also revises certain commodity terms in 40 CFR part 180, subpart C and one change in subpart E. These revisions would replace certain commodity terms that are no longer used by EPA with the appropriate matching term in the "Food and Feed Commodity Vocabulary." For example:

1. Cotton, oil and Peanut oil are replaced with Cotton, refined oil and Peanut, refined oil.
2. Cacao and Cacao bean are replaced with Cacao bean, bean.
3. Coffee and Coffee, bean are replaced with Coffee, bean, green.
4. Coffee, postharvest is replaced with Coffee, bean, roasted bean, postharvest.

5. Corn, field, grain, flour is replaced with Corn, field, flour.

6. Date is replaced with Date, dried fruit.

7. Grass, fodder is replaced with Grass, straw.

8. Guar is replaced with Guar, seed.

9. Hop is replaced with Hop, dried cones.

10. Mulberry, Indian is replaced with Noni.

11. Oat milling fractions (except flour) and Oat, milled fractions (except flour) are replaced with Oat, groats/rolled oats.

12. Pea, vines is replaced with Pea, field, vines.

13. Peavine, hay is replaced with Pea, field, hay.

14. Soybean, aspirated grain fractions is replaced with Grain, aspirated fractions.

15. Wheat, grain, milled byproducts and Wheat, milled feed fractions are replaced with Wheat, milled byproducts.

16. In § 180.2003, the commodity term "eggs" is changed to "egg." This change was not included in the June 2008 proposed rule, however, EPA has previously made this same change throughout subparts A and C, therefore, this amendment merely conforms subpart E to changes that have already been made to the terminology in part 180.

In certain instances, more than one replacement commodity term exists in the "Food and Feed Commodity Vocabulary" for the older commodity terms in 40 CFR part 180, subpart C. For example, the preferred commodity terms for Grass are Grass, forage and Grass, hay. Certain revisions included in this document were made by choosing a replacement commodity term from the "Food and Feed Commodity Vocabulary" based on the old commodity term and existing tolerances for related food or feed commodities. These changes are specific to the amended sections and paragraphs in 40 CFR part 180, subpart C. For example:

In § 180.154(a) the commodity term Alfalfa is replaced with Alfalfa, forage. Alfalfa, forage and Alfalfa, hay are preferred commodity terms for Alfalfa. Alfalfa, forage was chosen to replace Alfalfa since tolerances are established for Alfalfa, hay.

In § 180.121(e), Beet (with or without tops) is replaced with Beet, garden, roots. Beet, garden, roots and Beet, garden, tops are the preferred commodity terms for Beet (with or without tops). Beet, garden, roots was chosen since a tolerance is established for Beet, garden, tops. In § 180.408(a), Beet, garden is replaced with Beet,

garden, roots. A tolerance is established for Beet, garden, tops.

In § 180.154(a), Birdfoot trefoil is replaced with Trefoil, forage. Trefoil, forage and Trefoil, hay are the preferred commodity terms for Birdfoot trefoil. Trefoil, forage was chosen since a tolerance is established for Trefoil, hay.

In § 180.154(a), Clover is replaced with Clover, forage. Clover, forage and Clover, hay are preferred commodity terms for Clover. Clover, forage was chosen since tolerances are established for Clover, hay.

In § 180.288(a), the commodity term Corn, forage is replaced with Corn, field, forage. Corn, field, forage, and Corn, sweet, forage are preferred commodity terms for Corn, forage. Since there are no tolerances for sweet corn forage, Corn, field, forage was chosen to replace Corn, forage.

In § 180.111(a)(1) the commodity term Grass is replaced with Grass, forage. The preferred terms for Grass are Grass, forage and Grass, hay. Grass, forage was chosen since tolerances are established for Grass, hay.

In § 180.121(e), Rutabagas (with or without tops) is replaced with Rutabaga, roots. Rutabaga, roots and Rutabaga, tops are the preferred terms for Rutabagas (with or without tops). Rutabaga, roots was chosen since a tolerance is established for Rutabaga tops.

In § 180.121(e), Turnip (with or without tops) is replaced with Turnip, roots since a tolerance is established for Turnip, greens.

This document also deletes certain terms that are not needed to identify the tolerance commodities. Examples:

1. The term Peanut, meat (hulls removed) is changed to Peanut.
2. The term Banana, pulp (no peel) is changed to Banana, pulp.
3. The commodity term Peach (includes nectarines) is changed to Peach; the "Food and Feed Commodity Vocabulary" uses the term Peach to include peach and nectarines.
4. The terms Horseradish, roots and Potato, tuber are changed to Horseradish and Potato, respectively.
5. The terms Garlic, bulb and Garlic (bulb) are changed to Garlic.
6. The terms Plum (fresh) and Pineapple, fresh are changed to Plum and Pineapple, respectively.

III. Statutory and Executive Order Reviews

This document makes technical amendments to the Code of Federal Regulations which have no substantive impact on the underlying regulations, and does not otherwise impose or

amend any requirements. As such, the Office of Management and Budget (OMB) has determined that a technical amendment is not a "significant regulatory action" subject to review by OMB under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This 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 special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or 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). The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant impact on a substantial

number of small entities. Small entities include small businesses, small organizations, and small governmental organizations. After considering the economic impacts of today's rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. These technical amendments to the Code of Federal Regulations have no substantive impact on the underlying regulations. These technical amendments will not have any negative economic impact on any entities, including small entities. 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 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 section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR

67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

List of Subjects in 40 CFR Part 180

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

Dated: September 24, 2008.

Debra Edwards,
Director, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

Authority: 21 U.S.C. 321(q), 346a, and 371.

■ 2. Section 180.1 is amended by revising the table to paragraph (g) to read as follows:

§ 180.1 Definitions and interpretations.

* * * * *
(g) * * *

A	B
Alfalfa	<i>Medicago sativa</i> L. Subsp. <i>sativa</i> , (alfalfa, lucerne); <i>Onobrychis viciifolia</i> Scop. (sainfoin, holy clover, esparcet); and <i>Lotus corniculatus</i> L. (trefoil); and varieties and/or hybrids of these.
Banana	Banana, plantain.
Bean	<i>Cicer arietinum</i> (chickpea, garbanzo bean); <i>Lupinus</i> spp. (including sweet lupine, white sweet lupine, white lupine, and grain lupine). <i>Phaseolus</i> spp. (including kidney bean, lima bean, mung bean, navy bean, pinto bean, snap bean, and waxbean; <i>Vicia faba</i> (broad bean, fava bean); <i>Vigna</i> spp. (including asparagus bean, blackeyed pea and cowpea).

A	B
Bean, dry	All beans above in dry form only.
Bean, succulent	All beans above in succulent form only.
Blackberry	<i>Rubus eubatus</i> (including bingleberry, black satin berry, boysenberry Cherokee blackberry, Chesterberry, Cheyenne blackberry, coryberry, darrowberry, dewberry, Dirksen thornless berry, Himalayaberry, hullberry, Lavacaberry, lowberry, Lucretiaberry, mammoth blackberry, marionberry, nectarberry, olallieberry, Oregon evergreen berry, phenomenalberry, rangerberry, ravenberry, rossberry, Shawnee blackberry, and varieties and/or hybrids of these).
Broccoli	Broccoli, chinese broccoli (gia lon, white flowering broccoli).
Cabbage	Cabbage, Chinese cabbage (tight-heading varieties only).
Caneberry	<i>Rubus</i> spp. (including blackberry); <i>Rubus caesius</i> (youngberry); <i>Rubus loganbaccus</i> (loganberry); <i>Rubus idaeus</i> (red and black raspberry); cultivars, varieties, and/or hybrids of these.
Celery	Celery, Florence fennel (sweet anise, sweet fennel, finocchio) (fresh leaves and stalks only).
Cherry	Cherry, sweet, and cherry, tart.
Endive	Endive, escarole.
Fruit, citrus	Grapefruit, lemon, lime, orange, tangelo, tangerine, citrus citron, kumquat, and hybrids of these.
Garlic	Garlic, great headed; garlic, and serpent garlic.
Lettuce	Lettuce, head; and lettuce, leaf
Lettuce, head	Lettuce, head; crisphead varieties only
Lettuce, leaf	Lettuce, leaf; cos (romaine), butterhead varieties
Marjoram	<i>Origanum</i> spp. (includes sweet or annual marjoram, wild marjoram or oregano, and pot marjoram).
Melon	Muskmelon, including hybrids and/or varieties of <i>Cucumis melo</i> (including true cantaloupe, cantaloupe, casaba, Santa Claus melon, crenshaw melon, honeydew melon, honey balls, Persian melon, golden pershaw melon, mango melon, pineapple melon, snake melon); and watermelon, including hybrids and/or varieties of (<i>Citrullus</i> spp.).
Muskmelon	<i>Cucumis melo</i> (includes true cantaloupe, cantaloupe, casaba, Santa Claus melon, crenshaw melon, honeydew melon, honey balls, Persian melon, golden pershaw melon, mango melon, pineapple melon, snake melon, and other varieties and/or hybrids of these.)
Onion	Bulb onion; green onion; and garlic.
Onion, bulb	Bulb onion; garlic; great headed garlic; serpent garlic; Chinese onion; pearl onion; potato onion; and shallot, bulb.
Onion, green	Green onion; lady's leek; leek; wild leek; Beltsville bunching onion; fresh onion; tree onion, tops; Welsh onion; and shallot, fresh leaves.
Peach	Peach, nectarine
Pea	<i>Cajanus cajan</i> (includes pigeon pea); <i>Cicer</i> spp. (includes chickpea and garbanzo bean); <i>Lens culinaris</i> (lentil); <i>Pisum</i> spp. (includes dwarf pea, garden pea, green pea, English pea, field pea, and edible pod pea). [Note: A variety of pesticide tolerances have been previously established for pea and/or bean. Chickpea/garbanzo bean is now classified in both the bean and the pea categories. For garbanzo bean/chickpea only, the highest established pea or bean tolerance will apply to pesticide residues found in this commodity.]

A	B
Pea, dry	All peas in dry form only.
Pea, succulent	All peas in succulent form only.
Pepper	All varieties of pepper including pimento and bell, hot, and sweet pepper.
Radish, oriental, roots	<i>Raphanus sativus</i> var. <i>longipinnatus</i> (roots and tops), including Chinese or Japanese radish (both white and red), winter radish, daikon, lobok, lo pak, and other cultivars and/or hybrids of these.
Radish, oriental, tops)	<i>Raphanus sativus</i> var. <i>longipinnatus</i> (roots and tops), including Chinese or Japanese radish (both white and red), winter radish, daikon, lobok, lo pak, and other cultivars and/or hybrids of these.
Rapeseed	<i>Brassica napus</i> , <i>B. campestris</i> , and <i>Crambe abyssinica</i> (oilseed-producing varieties only which include canola and crambe.)
Raspberry	<i>Rubus</i> spp. (including bababerry; black raspberry; blackcap; caneberry; framboise; frambueso; himbeere; keriberry; mayberry; red raspberry; thimbleberry; tulameen; yellow raspberry; and cultivars, varieties, and/or hybrids of these).
Sorghum, grain, grain	<i>Sorghum</i> spp. [sorghum, grain, sudangrass (seed crop), and hybrids of these grown for its seed].
Sorghum, forage, stover	<i>Sorghum</i> spp. [sorghum, forage; sorghum, stover; sudangrass, and hybrids of these grown for forage and/or stover.
Squash	Pumpkin, summer squash, and winter squash.
Sugar apple	<i>Annona squamosa</i> L. (sugar apple, sweetsop, anon), and its hybrid <i>A. squamosa</i> L. x <i>A. cherimoya</i> M. (atemoya). Also <i>A. reticulata</i> L. (true custard apple).
Squash, summer	Fruits of the gourd (<i>Cucurbitaceae</i>) family that are consumed when immature, 100% of the fruit is edible either cooked or raw, once picked it cannot be stored, has a soft rind which is easily penetrated, and if seeds were harvested they would not germinate; e.g., <i>Cucurbita pepo</i> (i.e., crookneck squash, straightneck squash, scallop squash, and vegetable marrow); <i>Lagenaria</i> spp. (i.e., spaghetti squash, hyotan, cucuzza); <i>Luffa</i> spp. (i.e., hechima, Chinese okra); <i>Momordica</i> spp. (i.e., bitter melon, balsam pear, balsam apple, Chinese cucumber); <i>Sechium edule</i> (chayote); and other cultivars and/or hybrids of these.
Sweet potato	Sweet potato, yam.
Tangerine	Tangerine (mandarin or mandarin orange); tangelo, tangor, and other hybrids of tangerine with other citrus.
Tomato	Tomato, tomatillo.
Turnip tops or turnip greens	Broccoli raab (raab, raab salad), hanover salad, turnip tops (turnip greens).
Wheat	Wheat, triticale.

* * * * *

■ 3. Part 180 is further amended as follows:

In Section	In paragraph	Remove the term	Add alphabetically the term
180.111	(a)(1) table	Date	Date, dried fruit
180.111	(a)(1) table	Grass	Grass, forage
180.111	(a)(1) table	Hop	Hop, dried cones
180.111	(a)(1) table	Lupine, seed	Lupin, seed
180.111	(a)(1) table	Peavine, hay	Pea, field, hay

In Section	In paragraph	Remove the term	Add alphabetically the term
180.111	(a)(1) table	Shallots	Shallot, bulb
180.117	table	Bean, castor	Castorbean, seed
180.121	(e) table	Beet (with or without tops)	Beet, garden, roots
180.121	(e) table	Rutabagas (with or without tops)	Rutabaga, roots
180.121	(e) table	Turnip (with or without tops)	Turnip, roots
180.122	(a) table	Sorghum	Sorghum, grain, grain
180.153	(c) table	Potato, sweet	Sweet potato, roots
180.154	(a) table	Alfalfa	Alfalfa, forage
180.154	(a) table	Birdfoot trefoil	Trefoil, forage
180.154	(a) table	Clover	Clover, forage
180.173	(a) table	Cattle, meat (fat basis)	Cattle, meat
180.176	(a) table	Banana, pulp (no peel)	Banana, pulp
180.176	(a) table	Corn grain (except popcorn grain)	Corn, field, grain
180.176	(a) table	Rye, milled feed fraction	Rye, bran
180.176	(a) table	Wheat, milled feed fractions	Wheat, milled byproducts
180.205	(a) table	Cacao bean	Cacao bean, bean
180.205	(a) table	Guar	Guar, seed
180.215	(a)(1) table	Hop	Hop, dried cones
180.253	(a) table	Grass, Bermuda	Bermudagrass, forage
180.253	(a) table	Pea, vines	Pea, field, vines
180.288	(a) table	Corn, forage	Corn, field, forage
180.364	(a) table	Cacao bean	Cacao bean, bean
180.364	(a) table	Coffee, bean	Coffee, bean, green
180.364	(a) table	Date	Date, dried fruit
180.368	(a)(2) table	Garlic, bulb	Garlic
180.379	(a)(1) table	English walnut	Walnut
180.381	(a) table	Date	Date, dried fruit
180.399	(a)(1) table	Bean, dried, vine hay	Cowpea, hay
180.399	(c) table	Chinese mustard	Mustard greens
180.408	(a) table	Beet, garden	Beet, garden, roots
180.411	(c)(2) table	Coffee, bean	Coffee, bean, green
180.414	(a)(1) table	Garlic, bulb	Garlic
180.419	(a)(2) table	Oat milling fractions (except flour)	Oat, groats/rolled oats
180.420	(c) table	Hop	Hop, dried cones
180.428	(a)(1) table	Grass, fodder	Grass, straw
180.431	(a) table	Oat, milled fractions (except flour)	Oat, groats/rolled oats
180.435	(a)(1) table	Cotton, oil	Cotton, refined oil

In Section	In paragraph	Remove the term	Add alphabetically the term
180.436	(a)(1) table	Vegetable, leafy greens, except Brassica, group 4	Vegetable, leafy, except brassica, group 4
180.438	(a)(1) table	Corn, field, grain, flour	Corn, field, flour
180.438	(a)(2) table	Corn, field, grain, flour	Corn, field, flour
180.448	(a) table	Hop	Hop, dried cones
180.450	(a) table	Sorghum, forage, hay	Sorghum, forage
180.466	(a) table	Cotton, oil	Cotton, refined oil
180.474	(a)(1) table	Peach (includes nectarine)	Peach
180.498	(a)(2) table	Horseradish, roots	Horseradish
180.515	(a) table	Cacao	Cacao bean, bean
180.515	(a) table	Coffee	Coffee, bean, green
180.515	(a) table	Date	Date, dried fruit
180.515	(a) table	Grain, cereal, forage (excluding corn and sorghum)	Grain, cereal, forage, fodder and straw group 16, except corn and sorghum; forage
180.515	(a) table	Kava, Kava	Kava, roots
180.515	(a) table	Mulberry, Indian	Noni
180.515	(a) table	Soursop, group	Soursop
180.515	(a) table	Tea	Tea, dried
180.515	(a) table	Wasabia, roots	Wasaba, roots
180.516	(a) table	Peanut, meat (hulls removed)	Peanut
180.516	(a) table	Yam, true	Yam, true, tuber
180.564	(a) table	Soybean, aspirated grain fractions	Grain, aspirated fractions
180.565	(a) table	Coffee \1\	Coffee, bean, green \1\
180.565	(a) table	Soybean, aspirated grain fractions	Grain, aspirated fractions
180.567	(a)(2) table	Potato, tuber	Potato
180.568	(a) table	Garlic (bulb)	Garlic
180.573	(a)(1) table	Soybean, aspirated grain fraction	Grain, aspirated fractions
180.575	(a)(1) table	Coffee, postharvest	Coffee, bean, roasted bean, postharvest
180.579	(a)(1) table	Garlic, bulb	Garlic
180.582	(a)(1) table	Vegetable, legume, edible podded, subgroup	Vegetable, legume, edible podded, subgroup 6A
180.584	(a) table	Hop ¹	Hop, dried cones ¹
180.615	(d) table	Wheat, grain, milled byproducts	Wheat, milled byproducts

§ 180.2003 [Amended]

■ 4. Section 180.2003 is amended by revising the term “eggs” to read “egg” in paragraphs (a) and (b).

[FR Doc. E8–24027 Filed 10–9–08; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
44 CFR Part 64

[Docket No. FEMA–8045]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

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 scheduled for suspension 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 not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: Effective Dates: The effective date of each community’s scheduled suspension is the third date (“Susp.”) listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2953.

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 NFIP, 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. 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**.

Previously, FEMA has identified the Special Flood Hazard Areas (SFHAs) 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 identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA’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 Administrator 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 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required

floodplain management measures are met prior to the effective suspension date. Since these notifications were 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 Administrator 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 remedial action takes place.

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.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

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.*

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: