

exemptions from the requirement for a tolerance are no longer necessary.

VIII. Submission to Congress and the Comptroller General

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: March 28, 2002.

Peter Caulkins,

Acting 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 374.

§ 180.1001 [Amended]

2. In § 180.1001 by:

i. Removing from the table in paragraph (d) the entries for "benzene", "coal (derived only from anthracite and bituminous coals)", "coke (from anthracite and bituminous coals only and petroleum)", "dimethylformamide", "dioxane", "formaldehyde", and "methylene chloride (dichloromethane)".

ii. Removing from the table in paragraph (e) the entry for "methylene chloride".

§ 180.1014 [Removed]

3. By removing § 180.1014.

§ 180.1046 [Removed]

4. By removing § 180.1046

[FR Doc. 02-8154 Filed 4-3-02; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7781]

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: Edward Pasterick, Division Director, Program Marketing and Partnership Division, Federal Insurance Administration and Mitigation Directorate, 500 C Street, SW.; Room 411, Washington, DC 20472, (202) 646-3098.

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 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 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:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region II: New York: Port Jervis, City of, Orange County.	360976	December 26, 1973 Emerg.; June 1, 1978, Reg. April 2, 2002	4/2/02	4/2/02
Region III: Pennsylvania: Langhorne, Borough of, Bucks County.	421074	January 24, 1975, Emerg.; July 2, 1980, Reg. April 2, 2002	-do-	-do-
Region I: Connecticut: Cheshire, Town of, New Haven County.	090074	March 13, 1975, Emerg.; July 16, 1981, Reg. April 15, 2002	4/15/02	4/15/02
Southington, Town of, Hartford County.	090037	July 3, 1975, Emerg.; July 16, 1981, Reg. April 15, 2002	-do-	-do-
Region II: New Jersey: Madison, Borough of, Morris County.	340347	December 3, 1971, Emerg.; July 16, 1979, Reg. April 15, 2002	-do-	-do-
New York: Kiryas Joel, Village of, Orange County.	361610	August 31, 1994, Emerg.; April 15, 2002	-do-	-do-
Region IV: Florida: South Daytona, City of, Volusia County.	120314	June 18, 1971, Emerg.; October 3, 1976, Reg. April 15, 2002	-do-	-do-
Tennessee: Selmer, City of McNairy County.	470132	February 14, 1975, Emerg.; June 4, 1987, Reg. April 15, 2002	-do-	-do-
Region VI: Texas: Jonestown, City of, Travis County.	481597	January 29, 1976, Emerg.; April 1, 1982, Reg. April 15, 2002	-do-	-do-
Lago Vista, City of, Travis County.	481588	January 29, 1976, Emerg.; April 1, 1982, Reg. April 15, 2002	-do-	-do-
Lakeway, City of, Travis County.	481303	June 27, 1977, Emerg.; November 5, 1980, Reg. April 15, 2002	-do-	-do-
Travis County, Unincorporated Areas.	481026	January 29, 1976, Emerg.; April 1, 1982, Reg. April 15, 2002	-do-	-do-
Region X: Idaho: Oregon: Warm Springs Indian Reservation.	410291	August 11, 1997, Emerg.; April 15, 2002	-do-	-do-

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: March 25, 2002.

Robert F. Shea,

*Acting Administrator, Federal Insurance
Administration and Mitigation
Administration.*

[FR Doc. 02-7881 Filed 4-3-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 229

[Docket No. FRA 2000-8545, Notice No. 3]

RIN 2130-AA89

Locomotive Cab Sanitation Standards

AGENCY: Federal Railroad
Administration (FRA), Department of
Transportation (DOT).

ACTION: Final rule.

SUMMARY: FRA amends its regulations by adding standards that address toilet and washing facilities for employees who work in locomotive cabs. This rule provides exceptions for certain existing equipment and operations, and establishes servicing requirements.

DATES: This final rule will become effective on June 3, 2002.

ADDRESSES: Any petition for reconsideration should reference FRA Docket No. FRA 2000-8545, Notice No. 3, and be submitted to the Department of Transportation Central Docket Management Facility located in Room PL-401 at the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. All docket material related to this proceeding will be available for inspection at this address and on the Internet at <http://dms.dot.gov>. Docket hours at Nassif are Monday-Friday, 10 a.m. to 5 p.m., except on federal holidays.

FOR FURTHER INFORMATION CONTACT: Lou Klein, Office of Safety Assurance and Compliance, Federal Railroad Administration, 1120 Vermont Avenue, NW., Mail Stop 25, Washington, DC 20590, (telephone: 202-493-6235); or Christine Beyer, Office of Chief Counsel, Federal Railroad Administration, 1120 Vermont Avenue, NW., Mail Stop 10, Washington, DC 20590, (telephone: 202-493-6027).

SUPPLEMENTARY INFORMATION:

I. Background

In 1992, Congress enacted Section 10 of The Rail Safety Enforcement and Review Act (RSERA) (Pub. L. 102-365, September 3, 1992, codified at 49 U.S.C. 20103, note) in response to concerns

raised by employee organizations, congressional members, and recommendations of the National Transportation Safety Board concerning working conditions in locomotive cabs. In this legislation, Congress issued mandates concerning locomotive crashworthiness and cab working conditions. Section 10 of RSERA, entitled Locomotive Crashworthiness and Working Conditions, required FRA "to consider prescribing regulations to improve the safety and working conditions of locomotive cabs' throughout the railroad industry. In order to determine whether regulations would be necessary, Congress asked FRA to

assess the extent to which environmental, sanitary and other working conditions in locomotive cabs affect productivity, health and the safe operation of locomotives.

In response to Section 10 of RSERA, FRA studied a variety of working conditions in locomotive cabs, including sanitation, noise, temperature, air quality, ergonomics, and vibration. In September 1996, FRA submitted its Locomotive Crashworthiness and Cab Working Conditions Report ("Report") to Congress, which describes the results of these studies. The Report is available for review in the docket of this matter and was discussed in detail in FRA's Notice of Proposed Rulemaking (NPRM) on Locomotive Cab Sanitation Standards. See, 66 FR 136, January 2, 2001.

In short, FRA surveyed in excess of 200 locomotives to assess cab sanitation facilities. FRA found a wide range of conditions, which varied due to weather, type of sanitation system in place, carrier maintenance and service programs, locomotive model, and economic status of the railroad. In addition, some locomotives were not equipped with sanitation facilities. FRA found dirty floors and toilet seats, missing toilet seats, poor ventilation, offensive odors, and lack of toilet paper. In very cold weather, some units tend to freeze and become inoperable. Of the cabs surveyed, approximately thirty percent were deficient in some manner related to the use of sanitation facilities.

The Report noted that employees and rail management play a role in the condition of sanitary facilities; poor sanitary conditions aboard locomotives are caused by inadequate maintenance and/or heavy use or misuse by operating crews. Nearly all railroads had programs in place to service toilet and washing units, although the program requirements vary from property to property depending on degree of use, toilet system in place, and weather

conditions. In addition, FRA found that adherence to the servicing programs was uneven throughout the industry, and that poor servicing was often the primary cause of unsanitary facilities.

The Report also explained that there was disparity in the legal treatment of locomotive cab sanitation among state and federal regulatory and enforcement bodies and confusion existed among industry members concerning applicable standards and guidelines. See NPRM, 66 FR 136-7.

The Report concluded that, given the significant role that servicing and use play in maintaining a sanitary workplace and the relative ease with which servicing and use may be modified, the issue of locomotive sanitation could best be resolved through rail management and labor cooperation.

Following publication of the Report, FRA continued to receive employee complaints about the state of sanitation in locomotive cabs, and the health and safety risks associated with working in an unsanitary area. FRA also received complaints from employees of one railroad concerning the disposal method used in a particular sanitation system. By design, this system requires temporary storage of untreated waste in sealed waste containers, which gave rise to perceived health and safety concerns. There were also concerns about the expansion of this system as the railroad's territory increased, the increase of "power sharing" arrangements among the carriers, and the administrative difficulties that would arise in maintaining and mixing different systems. Finally, some State agencies expressed frustration with FRA concerning federal preemption of certain state sanitation regulations, and the uneven treatment given locomotive sanitation by the state and federal courts.

In light of these concerns, FRA determined that cab sanitation must be revisited and addressed so that cab employees would have access to adequate sanitary facilities, and to ensure uniform application of the law. Despite the considerable acrimony that had developed in the industry surrounding this issue, FRA remained convinced that it should be addressed cooperatively, with the assistance of the stakeholders who possess the knowledge and expertise to resolve the problem effectively. Therefore, on June 24, 1997, FRA presented the subject of locomotive cab working conditions, including sanitation, to the Railroad Safety Advisory Committee (RSAC).

RSAC was formed by FRA in March 1996 to provide a forum for consensual