

statute and that creates a mandate upon a State, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

#### C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal

governments. If the mandate is unfunded, EPA must provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

#### X. 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 the rule in the **Federal Register**. This 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.

September 30, 1998.

**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. 346a and 371.

2. Section 180.176 is amended by revising the section heading, designating the existing text as paragraph (a) and adding a paragraph heading, adding new paragraph (b), and adding and reserving paragraphs (c) and (d) with headings to read as follows:

#### § 180.176 Mancozeb; tolerances for residues.

(a) *General.* \* \* \*

(b) *Section 18 emergency exemptions.* A time-limited tolerance is established for combined residues of the fungicide mancozeb, calculated as zinc ethylenebisdithiocarbamate and its metabolite ETU in connection with use of the pesticide under a section 18 emergency exemption granted by EPA. The tolerance will expire and is revoked on the dates specified in the following table.

Commodity	Parts per million	Expiration/Revocation Date
Ginseng .....	2.0	12/31/99

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

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

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#### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### 44 CFR Part 64

[Docket No. FEMA-7697]

#### List of Communities Eligible for the Sale of Flood Insurance

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities participating in the

National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

**EFFECTIVE DATES:** The dates listed in the third column of the table.

**ADDRESSES:** Flood insurance policies for property located in the communities listed can be obtained from any licensed

property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638-6620.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Shea, Jr., 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 measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Associate Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related

financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Associate Director finds that the delayed effective dates would be contrary to the public interest. The Associate Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

#### 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 certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

#### 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/location	Community number	Effective date of eligibility	Current effective map date
<b>New Eligibles—Emergency Program</b>			
Georgia: Zebulon, city of, Pike County .....	130529	August 5, 1998 .....	August 18, 1978.
Illinois: Lexington, city of, McLean County .....	170500	August 10, 1998 .....	
Georgia: Tattnall County, unincorporated areas .....	130471	August 13, 1998 .....	
Michigan: Rich, township of, Lapeer County .....	261023	.....do .....	
Vermont: Washington, town of, Orange County .....	500077	August 28, 1998 .....	February 20, 1976.
Alabama: Repton, town of, Conecuh County .....	010427	August 31, 1998 .....	
<b>New Eligibles—Regular Program</b>			
Missouri: Green Park, city of, St. Louis County .....	290668	August 12, 1998 .....	August 2, 1995.
Georgia: Homeland, city of, Carlton County .....	130291	August 13, 1998 .....	September 21, 1998.
Alabama: Vincent, town of, Shelby County .....	010292	August 31, 1998 .....	June 15, 1981.
<b>Reinstatements</b>			
Maine: Lyman, town of, York County .....	230195	July 23, 1975, Emerg.; May 15, 1991, Reg.; February 19, 1997, Susp.; August 17, 1998, Rein.	May 15, 1991.
Iowa: Little Sioux, city of, Harrison County .....	190145	September 25, 1975, Emerg.; August 19, 1985, Reg.; June 3, 1988, Susp.; August 28, 1998, Rein.	August 19, 1985.
Pennsylvania: Cook, township of, Westmoreland County.	422186	May 28, 1982, Emerg.; April 17, 1985, Reg.; August 5, 1997, Susp.; August 28, 1998, Rein.	August 5, 1997.
<b>Regular Program Conversions</b>			
<b>Region II</b>			
New Jersey: Brick, township of, Ocean County .....	345285	August 3, 1998, Suspension Withdrawn .....	August 3, 1998.
New York:			
Hermon, village of, Lawrence County .....	361464	.....do .....	Do.
Lee, town of, Oneida County .....	360532	.....do .....	Do.
<b>Region III</b>			
Delaware:			
New Castle County, unincorporated areas .....	105085	.....do .....	Do.

State/location	Community number	Effective date of eligibility	Current effective map date
Newark, city of, New Castle County .....	100025	.....do .....	Do.
Pennsylvania: St. Marys, city of, Elk County .....	420446	.....do .....	Do.
Virginia: Rappahannock County, unincorporated areas.	510128	.....do .....	Do.
<b>Regular Program Conversions</b>			
<b>Region IV</b>			
North Carolina: Whiteville, city of, Columbus County	370071	.....do .....	Do.
<b>Region V</b>			
Michigan:			
Cadillac, city of, Wexford County .....	260247	.....do .....	Do.
Selma, township of, Wexford County .....	260757	.....do .....	Do.
<b>Region V</b>			
Ohio: Champaign County, unincorporated areas .....	390055	.....do .....	Do.
Wisconsin:			
Oconto County, unincorporated areas .....	550294	.....do .....	Do.
Westfield, village of, Marquette County .....	550269	.....do .....	Do.
<b>Region VI</b>			
Louisiana: Greenwood, town of, Caddo Parish	220292	.....do .....	Do.
<b>Region VI</b>			
Oklahoma: Allen, town of, Pontotoc and Hughes Counties.	400174	.....do .....	Do.
<b>Region IX</b>			
California:			
Agoura Hills, city of, Los Angeles County .....	065072	.....do .....	Do.
Colusa, city of, Colusa County .....	060023	.....do .....	Do.
Colusa County, unincorporated areas .....	060022	.....do .....	Do.
Hawaii: Maui County, unincorporated areas .....	150003	.....do .....	Do.
<b>Region X</b>			
Oregon: Troutdale, city of, Multnomah County .....	410184	.....do .....	Do.
<b>Region I</b>			
Maine: Union, town of, Knox County	230080	August 17, 1998 Suspension Withdrawn .....	August 17, 1998.
<b>Region II</b>			
New York: Canton, town of, St. Lawrence County ...	361172	.....do .....	Do.
<b>Region IV</b>			
North Carolina: Haywood County, unincorporated areas.	370120	.....do .....	Do.
<b>Region V</b>			
Michigan: Clinton, charter township of, Macomb County.	260121	.....do .....	Do.
<b>Region VI</b>			
Texas:			
Enchanted Oaks, city of, Henderson County ....	481634	.....do .....	Do.
Gun Barrel City, city of, Henderson County .....	480328	.....do .....	Do.
Henderson County, unincorporated areas .....	481174	.....do .....	Do.
<b>Region IX</b>			
California:			
San Jose, city of, Santa Clara County .....	060349	.....do .....	Do.
Santa Clara County, unincorporated areas .....	060337	.....do .....	Do.
Oregon: Lincoln City, city of, Lincoln County ....	410130	.....do .....	Do.

<sup>1</sup> The City of Green Park has adopted the St. Louis County (CID #290327) Flood Insurance Rate Map dated August 2, 1995, panels 312 and 315.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein—Reinstatement; Susp.—Suspension; With.—Withdrawn; NSFHA—Non Special Flood Hazard Area.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: September 28, 1998.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 64

[Docket No. FEMA-7698]

### Suspension of Community Eligibility

AGENCY: Federal Emergency  
Management Agency.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies a community where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that is suspended on the effective date listed within this rule because of failure to enforce floodplain management requirements of the program. If FEMA receives