

12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000) do not apply to this rule. In addition, this rule does not 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).

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).

**VII. Congressional Review Act**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report 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: September 13, 2007.

**Lois Rossi,**

*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), 346a and 371.

■ 2. Section 180.573 is amended by alphabetically adding the following commodities to the table in paragraph (a)(1) to read as follows:

**§ 180.573 Tephraloxydim; tolerances for residues.**

(a) *General.* (1) \* \* \*

Commodity	Parts per million
* * * * *	*
Flax, seed .....	0.10
Lentil, seed .....	0.10
Pea, dry, seed .....	0.10
* * * * *	*

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**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 64**

[Docket No. FEMA-7991]

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, DHS.

**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.

**ADDRESSES:** If you want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office.

**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**.

In addition, 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:

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 SFHAs
<b>Region III</b>				
Maryland:				
Brunswick, City of, Frederick County ....	240028	August 16, 1974, Emerg; January 7, 1977, Reg; September 19, 2007, Susp.	Sept. 19, 2007 ..	Sept. 19, 2007.
Emmitsburg, Town of, Frederick County	240029	May 6, 1975, Emerg; September 17, 1980, Reg; September 19, 2007, Susp.	.....do* .....	Do.
Frederick, City of, Frederick County .....	240030	May 24, 1973, Emerg; June 15, 1978, Reg; September 19, 2007, Susp.	.....do .....	Do.
Frederick County, Unincorporated Areas.	240027	May 24, 1973, Emerg; June 1, 1978, Reg; September 19, 2007, Susp.	.....do .....	Do.
Middletown, Town of, Frederick County	240162	December 21, 1978, Emerg; October 23, 1981, Reg; September 19, 2007, Susp.	.....do .....	Do.
Thurmont, Town of, Frederick County ..	240031	November 15, 1974, Emerg; September 28, 1979, Reg; September 19, 2007, Susp.	.....do .....	Do.
Walkersville, Town of, Frederick County	240032	June 12, 1974, Emerg; September 30, 1980, Reg; September 19, 2007, Susp.	.....do .....	Do.
Woodsboro, Town of, Frederick County	240033	February 26, 1975, Emerg; December 15, 1978, Reg; September 19, 2007, Susp.	.....do .....	Do.
Virginia:				
Amherst, Town of, Amherst County .....	510193	February 7, 1974, Emerg; November 2, 1977, Reg; September 19, 2007, Susp.	.....do .....	Do.
Amherst County, Unincorporated Areas	510010	March 1, 1974, Emerg; July 17, 1978, Reg; September 19, 2007, Susp.	.....do .....	Do.
Fredericksburg, City of, Independent City.	510065	November 5, 1973, Emerg; July 2, 1979, Reg; September 19, 2007, Susp.	.....do .....	Do.
<b>Region IV</b>				
Georgia: Temple, City of, Carroll County .....	130288	December 22, 1986, Emerg; September 18, 1987, Reg; September 19, 2007, Susp.	.....do .....	Do.
North Carolina:				
Creswell, Town of, Washington County	370443	January 24, 1975, Emerg; August 19, 1985, Reg; September 19, 2007, Susp.	.....do .....	Do.
Hamilton, Town of, Martin County .....	370334	March 26, 1979, Emerg; January 1, 1987, Reg; September 19, 2007, Susp.	.....do .....	Do.
Martin County, Unincorporated Areas ...	370155	December 18, 1975, Emerg; July 16, 1991, Reg; September 19, 2007, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assist- ance no longer available in SFHAs
Plymouth, Town of, Washington County	370249	April 11, 1974, Emerg; August 19, 1985, Reg; September 19, 2007, Susp.	.....do .....	Do.
Robersonville, Town of, Martin County	370156	July 7, 1975, Emerg; July 1, 1987, Reg; September 19, 2007, Susp.	.....do .....	Do.
Roper, Town of, Washington County ....	370421	June 9, 1978, Emerg; August 5, 1985, Reg; September 19, 2007, Susp.	.....do .....	Do.
Washington County, Unincorporated Areas.	370247	January 24, 1975, Emerg; August 19, 1985, Reg; September 19, 2007, Susp.	.....do .....	Do.
Williamston, Town of, Martin County ....	370157	October 2, 1974, Emerg; August 19, 1987, Reg; September 19, 2007, Susp.	.....do .....	Do.
Tennessee: Petersburg, City of, Lincoln County.	470106	March 24, 1975, Emerg; September 29, 1986, Reg; September 19, 2007, Susp.	.....do .....	Do.
<b>Region V</b>				
Michigan:				
Burlington, Township of, Lapeer County	261010	December 22, 1997, Emerg, Reg; Sep-tember 19, 2007, Susp.	.....do .....	Do.
Deerfield, Township of, Lapeer County	260434	August 7, 1995, Emerg, Reg; September 19, 2007, Susp.	.....do .....	Do.
Elba, Township of, Lapeer County .....	260776	May 6, 1997, Emerg, Reg; September 19, 2007, Susp.	.....do .....	Do.
Goodland, Township of, Lapeer County	260988	May 6, 1997, Emerg, Reg; September 19, 2007, Susp.	.....do .....	Do.
Hadley, Township of, Lapeer County ....	261045	July 12, 2001, Emerg, Reg; September 19, 2007, Susp.	.....do .....	Do.
Lapeer, City of, Lapeer County .....	260112	November 25, 1974, Emerg; June 15, 1979, Reg; September 19, 2007, Susp.	.....do .....	Do.
Lapeer, Township of, Lapeer County ....	260435	April 26, 1982, Emerg; February 16, 1990, Reg; September 19, 2007, Susp.	.....do .....	Do.
Mayfield, Township of, Lapeer County ..	260436	March 10, 1982, Emerg; February 16, 1990, Reg; September 19, 2007, Susp.	.....do .....	Do.
North Branch, Village of, Lapeer County	260338	April 2, 1998, Emerg, Reg; September 19, 2007, Susp.	.....do .....	Do.
Rich, Township of, Lapeer County .....	261023	August 13, 1998, Emerg, Reg; September 19, 2007, Susp.	.....do .....	Do.
Ohio:				
Brice, Village of, Franklin County .....	261023	August 13, 1998, Emerg, Reg; September 19, 2007, Susp.	.....do .....	Do.
Columbus, City of, Delaware, Fairfield and Franklin Counties.	390170	May 21, 1971, Emerg; July 5, 1983, Reg; September 19, 2007, Susp.	.....do .....	Do.
Fairfield County, Unincorporated Areas	390158	March 21, 1977, Emerg; April 17, 1989, Reg; September 19, 2007, Susp.	.....do .....	Do.
Franklin County, Unincorporated Areas	390167	April 19, 1973, Emerg; July 5, 1983, Reg; September 19, 2007, Susp.	.....do .....	Do.
<b>Region VIII</b>				
Colorado:				
Canon City, City of, Fremont County ....	080068	May 28, 1974, Emerg; November 3, 1982, Reg; September 19, 2007, Susp.	.....do .....	Do.
Fremont County, Unincorporated Areas	080067	June 25, 1975, Emerg; September 29, 1989, Reg; September 19, 2007, Susp.	.....do .....	Do.
Montana: Whitehall, City of, Jefferson County.	300120	May 7, 1975, Emerg; June 4, 1987, Reg; September 19, 2007, Susp.	.....do .....	Do.

\*-do- =Ditto.

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

Dated: September 14, 2007.

**Michael K. Buckley,**

*Deputy Assistant Administrator, Mitigation,  
Department of Homeland Security, Federal  
Emergency Management Agency.*

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA-7993]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency  
Management Agency, DHS.

**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.

**ADDRESSES:** If you want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office.

**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**.

In addition, 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: