

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.

#### IV. 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.

Dated: November 2, 1998.

Stephen L. Johnson,

Acting Director, 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 180.1164 is amended by adding a new paragraph (d) to read as follows:

**§ 180.1164 Food and food by-products; exemption from the requirement of a tolerance.**

\* \* \* \* \*

(d) Any edible food commodity (except for peanuts, tree nuts, milk, soybeans, eggs, fish, crustacea, and wheat) used as a pesticide is exempted from the requirement of a tolerance when used in accordance with good agricultural practice in or on all food commodities. This exemption shall not apply to any edible food commodity that is adulterated under section 342 of Title 21 of the United States Code. The

term edible food commodity means a food that is widely consumed for its nutrient properties. The term only applies to food in the form it is sold or distributed to the public for consumption.

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BILLING CODE 6560-50-F

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### 44 CFR Part 65

##### Changes in Flood Elevation Determinations

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

**ACTION:** Final rule.

**SUMMARY:** Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

**EFFECTIVE DATES:** The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) in effect for each listed community prior to this date.

**ADDRESSES:** The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

##### FOR FURTHER INFORMATION CONTACT:

Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-3461.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Associate Director has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105,

and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

##### National Environmental Policy Act

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

##### Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

##### 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 12612, Federalism

This rule involves no policies that have federalism implications under

Executive Order 12612, Federalism, dated October 26, 1987.

# Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

## List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

## PART 65—[AMENDED]

1. The authority citation for Part 65 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.

## § 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona:					
Maricopa (FEMA Docket No. 7256).	City of Avondale ..	September 4, 1998, September 11, 1998, <i>Arizona Republic</i> .	The Honorable Thomas S. Morales, Jr., Mayor, City of Avondale, 525 North Central Avenue, Avondale, Arizona 85323.	August 19, 1998 ..	040038
Maricopa (FEMA Docket No. 7256).	Town of Gilbert ....	August 11, 1998, August 18, 1998, <i>Gilbert Tribune</i> .	The Honorable Cynthia Dunham, Mayor, Town of Gilbert, 1025 South Gilbert Road, Gilbert, Arizona 85296.	July 15, 1998 .....	040044
Maricopa (FEMA Docket No. 7256).	Unincorporated Areas.	August 11, 1998, August 18, 1998, <i>Arizona Republic</i> .	The Honorable Janice K. Brewer, Chairman, Maricopa County, Board of Supervisors, 301 West Jefferson Street, Tenth Floor, Phoenix, Arizona 82003.	July 15, 1998 .....	040037
Maricopa (FEMA Docket No. 7256).	City of Mesa .....	August 20, 1998, August 27, 1998, <i>Arizona Republic</i> .	The Honorable Wayne Brown, Mayor, City of Mesa, P.O. Box 1466, Mesa, Arizona 85211.	July 20, 1998 .....	040048
California:					
Santa Clara (FEMA Docket No. 7256).	City of Gilroy .....	August 7, 1998, August 14, 1998, <i>The Dispatch</i> .	The Honorable K.A. Mike Gilroy, Mayor, City of Gilroy, 7351 Rosanna Street, Gilroy, California 95020.	July 9, 1998 .....	060340
Santa Barbara (FEMA Docket No. 7256).	Unincorporated Areas.	August 7, 1998, August 14, 1998, <i>Santa Barbara News Press</i> .	The Honorable Gail Marshall, Chairperson, Santa Barbara County, Board of Supervisors, 105 East Anapamu Street, Santa Barbara, California 93101.	July 9, 1998 .....	060331
Santa Clara (FEMA Docket No. 7256).	Unincorporated Areas.	August 7, 1998, August 14, 1998, <i>The San Jose Mercury News</i> .	The Honorable Blanca Alverado, Chairperson, Santa Clara County Board of Supervisors, 70 West Hedding Street, East Wing, Tenth Floor, San Jose, California 95110.	July 9, 1998 .....	060337
Ventura (FEMA Docket No. 7256).	Unincorporated Areas.	August 12, 1998, August 19, 1998, <i>Ventura County Star</i> .	The Honorable Judy Mikels, Chairperson, Ventura County Board of Supervisors, 3855-F Alamo Street, Simi Valley, California 93063.	July 13, 1998 .....	060413
Colorado: Rio Blanco (FEMA Docket No. 7256).	Town of Meeker ..	August 20, 1998, August 27, 1998, <i>Meeker Herald</i> .	The Honorable Bill Dunham Mayor, Town of Meeker, P.O. Box 38, Meeker, Colorado 81641.	August 6, 1998 ....	080151
Hawaii: Maui County (FEMA Docket No. 7256).	Unincorporated Areas.	August 7, 1998, August 14, 1998, <i>Maui News</i> .	The Honorable Linda Lingle, Mayor, Maui County, 200 South High Street, Wailuku, Maui, Hawaii 96793.	July 13, 1998 .....	150003
Nebraska: Sarpy (FEMA Docket No. 7256).	Unincorporated Areas.	September 16, 1998, September 23, 1998, <i>The Papillion Times</i> .	The Honorable Tim Gray, Chairman, Sarpy County, Board of Commissioners, County Courthouse, 1210 Golden Gate Drive, Suite 1118, Papillion, Nebraska 68046.	August 14, 1998 ..	310190
New Mexico:					
Bernalillo (FEMA Docket No. 7256).	City of Albuquerque.	September 4, 1998, September 11, 1998, <i>Albuquerque Journal</i> .	The Honorable Jim Baca, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	July 17, 1998 .....	350002
Bernalillo (FEMA Docket No. 7256).	Unincorporated Areas.	September 4, 1998, September 11, 1998, <i>Albuquerque Journal</i> .	The Honorable Tom Rutherford, Chairman, Bernalillo County Board of Commissioners, 2400 Broadway Southeast, Albuquerque, New Mexico 87102.	July 17, 1998 .....	350001
Oklahoma:					

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Oklahoma (FEMA Docket No. 7256).	City of Oklahoma City.	August 27, 1998, September 3, 1998, <i>Daily Oklahoman</i> .	The Honorable Ronald Norick, Mayor, City of Oklahoma City, 200 North Walker, Suite 302, Oklahoma City, Oklahoma 73102.	August 4, 1998 ....	405378
Tulsa (FEMA Docket No. 7256).	City of Tulsa .....	September 23, 1998, September 30, 1998, <i>Tulsa World</i> .	The Honorable M. Susan Savage, Mayor, City of Tulsa, City Hall, 200 Civic Center, Tulsa, Oklahoma 74103.	August 14, 1998 ..	405381
Texas:					
Tarrant (FEMA Docket No. 7256).	City of Mansfield	August 20, 1998, August 27, 1998, <i>Mansfield News-Mirror</i> .	The Honorable Harry David, Mayor, City of Mansfield, 1305 East Broad Street, Mansfield, Texas 76063.	August 4, 1998 ....	480606
Montgomery (FEMA Docket No. 7256).	Unincorporated Areas.	August 14, 1998, August 21, 1998, <i>Conroe Courier</i> .	The Honorable Alan Sadler, Montgomery County Judge, 301 North Thompson Street, Suite 210, Conroe, Texas 77301.	July 14, 1998 .....	480483
McLennan (FEMA Docket No. 7256).	City of Waco .....	August 4, 1998, August 11, 1998, <i>Waco Tribune-Herald</i> .	The Honorable Michael D. Morrison, Mayor, City of Waco, P.O. Box 2570, Waco, Texas 76702-2570.	July 9, 1998 .....	480461

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

Dated: November 24, 1998.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

[FR Doc. 98-32300 Filed 12-3-98; 8:45 am]

BILLING CODE 6718-04-P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 65

[Docket No. FEMA-7264]

### Changes in Flood Elevation Determinations

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

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

**DATES:** These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director for Mitigation reconsider the changes. The modified elevations may be changed during the 90-day period.

**ADDRESSES:** The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

**FOR FURTHER INFORMATION CONTACT:** Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-3461.

**SUPPLEMENTARY INFORMATION:** The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the

minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

### National Environmental Policy Act

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

### Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

### Regulatory Classification

This interim 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 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.