

The official rulemaking record is a paper record maintained at the address in "ADDRESSES" at the beginning of this document.

## VI. Regulatory Assessment Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and since this action does not impose any information collection requirements subject to approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, it is not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, or contain any "unfunded mandates" as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement explaining the factual basis for this determination was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

## VII. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted 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 General Accounting Office prior to publication of this rule in today's **Federal Register**. This 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, Food additive, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 13, 1997.

**Stephen L. Johnson,**  
Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR 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. 346a and 371.

2. Section 180.324 is revised to read as follows:

### § 180.324 Bromoxynil; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of the herbicide bromoxynil (3,5-dibromo-4-hydroxybenzonitrile) resulting from application of its octanoic and/or heptanoic acid ester in or on the following commodities:

Commodity	Parts per million
Alfalfa, seeding	0.1 ppm
Barley, forage, green	0.1 ppm
Barley, grain	0.1 ppm
Barley, straw	0.1 ppm
Cattle, fat	1 ppm
Cattle, meat	0.5 ppm
Cattle, meat by-products	3 ppm
Corn, fodder (dry)	0.1 ppm
Corn, fodder (green)	0.1 ppm
Corn, fodder, field (dry)	0.1 ppm
Corn, fodder, field (green)	0.1 ppm
Corn, grain	0.1 ppm
Corn, grain, field	0.1 ppm
Eggs	0.05 ppm
Flaxseed	0.1 ppm
Flax straw	0.1 ppm
Garlic	0.1 ppm
Goats, fat	1 ppm
Goats, meat	0.5 ppm
Goats, meat by-products	3 ppm
Grass, canary, annual, seed	0.1 ppm
Grass, canary, annual, straw	0.1 ppm
Hogs, fat	1 ppm
Hogs, meat	0.5 ppm
Hogs, meat by-products	3 ppm
Horses, fat	1 ppm
Horses, meat	0.5 ppm
Horses, meat by-products	3 ppm
Milk	0.1 ppm
Mint hay	0.1 ppm
Oats, forage, green	0.1 ppm
Oats, grain	0.1 ppm
Oats, straw	0.1 ppm
Onions (dry bulb)	0.1 ppm
Poultry, fat	0.05 ppm
Poultry, meat	0.05 ppm
Poultry, meat by-products	0.05 ppm
Rye, forage, green	0.1 ppm
Rye, grain	0.1 ppm
Rye, straw	0.1 ppm
Sheep, fat	1 ppm
Sheep, meat	0.5 ppm
Sheep, meat by-products	3 ppm
Sorghum, fodder	0.1 ppm
Sorghum, forage	0.1 ppm
Sorghum, grain	0.1 ppm
Wheat, forage, green	0.1 ppm
Wheat, grain	0.1 ppm
Wheat, straw	0.1 ppm

(2) Tolerances are established for residues of the herbicide bromoxynil (3,5-dibromo-4-hydroxybenzonitrile) and its metabolite 3,5-dibromo-4-hydroxybenzoic acid resulting from application of its octanoic and/or heptanoic acid ester in or on the following commodities:

Commodity	Parts per million	Expiration/Revocation Date
Cotton gin byproducts	50 ppm	1/1/1998
Cotton, hulls	21 ppm	1/1/1998
Cotton, undelinted seed	7 ppm	1/1/1998

(b) *Section 18 emergency exemptions.* [Reserved]

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

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

[FR Doc. 97-15964 Filed 6-17-97; 8:45 am]

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:** Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

**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 Executive 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 Executive Associate Director, Mitigation Directorate, 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.
Alaska (FEMA Docket No. 7204).	Kenai Peninsula Borough.	October 17, 1996, October 24, 1996, <i>Peninsula Clarion</i> .	The Honorable Don Gilman, Mayor, Kenai Peninsula Borough, 144 North Binkley Soldotna, Alaska 99669-7599.	Sept. 24, 1996 .....	020012
Arizona: Coconino (FEMA Docket No. 7204).	City of Flagstaff ....	October 25, 1996, November 1, 1996, <i>The Arizona Daily Sun</i> .	The Honorable Christopher J. Bavasi, Mayor, City of Flagstaff, 211 West Aspen Avenue, Flagstaff, Arizona 86001.	Oct. 8, 1996 .....	040020
Arizona: Maricopa (FEMA Docket No. 7204).	City of Glendale ...	November 22, 1996, November 29, 1996, <i>Arizona Republic</i> .	The Honorable Elaine Scruggs, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, Arizona 85301.	Oct. 24, 1996 .....	040045
Arizona: Santa Cruz (FEMA Docket No. 7204).	City of Nogales ....	October 18, 1996, October 25, 1996, <i>Nogales International</i> .	The Honorable Louie Valdez, Mayor, City of Nogales, 777 North Grand Avenue, Nogales, Arizona 85621.	Sept. 11, 1996 .....	040091
Arizona: Maricopa (FEMA Docket No. 7204).	City of Peoria .....	November 22, 1996, November 29, 1996, <i>Arizona Republic</i> .	The Honorable Ken C. Forgia, Mayor, City of Peoria, 8401 West Monroe, Phoenix, Arizona 85345.	Oct. 24, 1996 .....	040050
Arizona: Maricopa (FEMA Docket No. 7204).	Unincorporated Areas.	November 22, 1996, November 29, 1996 <i>Arizona Republic</i> .	The Honorable Tom Rawles, Chairperson, Maricopa County Board of Supervisors, 301 West Jefferson, Phoenix, Arizona 85003.	Oct. 24, 1996 .....	040037

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas: Benton (FEMA Docket No. 7204)	Unincorporated Areas.	October 31, 1996, November 7, 1996, <i>Benton County Daily Record</i> .	The Honorable Bruce Rutherford, Benton County Judge, 215 East Central, Suite No. 9, Bentonville, Arkansas 72712.	Oct. 15, 1996 .....	050419
Arkansas: Lonoke (FEMA Docket No. 7204).	City of Cabot .....	December 4, 1996, December 11, 1996, <i>Cabot Star Herald</i> .	The Honorable Joe L. Allman, Mayor, City of Cabot, P.O. Box 1113, Cabot, Arkansas 72023.	Nov. 12, 1996 .....	050309
Arkansas: Lonoke (FEMA Docket No. 7204).	Unincorporated Areas.	December 4, 1996, December 11, 1996, <i>Cabot Star Herald</i> .	The Honorable Don R. Bevis, County Judge, Lonoke County, 301 North Center, Suite 201, Lonoke, Arkansas 72086.	Nov. 12, 1996 .....	050448
California: Riverside (FEMA Docket No. 7204).	City of Moreno Valley.	November 7, 1996, November 14, 1996, <i>The Valley Times</i> .	The Honorable Denise Lanning, Mayor, City of Moreno Valley, P.O. Box 88005, Moreno Valley, California 92552-0805.	Oct. 18, 1996 .....	065074
Kansas: Johnson (FEMA Docket No. 7204).	City of Shawnee ..	October 14, 1996, October 21, 1996, <i>The Olathe Daily News</i> .	The Honorable Jim Allen, Mayor, City of Shawnee, City Hall, 11110 Johnson Drive, Shawnee, Kansas 66203-2799.	Sept. 27, 1996 .....	200177
Missouri: St. Louis (FEMA Docket No. 7204).	Unincorporated Areas.	November 1, 1996, November 8, 1996, <i>St. Louis Post-Dispatch</i> .	The Honorable Buzz Westfall, St. Louis County Executive, 41 South Central, Clayton, Missouri 63105.	Oct. 11, 1996 .....	290327
Nevada: Clark (FEMA Docket No. 7204).	Unincorporated Areas.	October 24, 1996, October 31, 1996, <i>Las Vegas Review-Journal</i> .	The Honorable Yvonne Atkinson Gates, Chairperson, Clark County, Board of Commissioners, 225 Bridger Avenue, Sixth Floor, Las Vegas, Nevada 89155.	Sept. 27, 1996 .....	320003
Nevada: Clark (FEMA Docket No. 7204).	Unincorporated Areas.	November 15, 1996, November 25, 1996, <i>Las Vegas Review-Journal</i> .	The Honorable Yvonne Atkinson Gates, Chairperson, Clark County, Board of Commissioners, 225 Bridger Avenue, Sixth Floor, Las Vegas, Nevada 89155.	Oct. 31, 1996 .....	320003
Nevada: Clark (FEMA Docket No. 7204).	City of Mesquite ...	October 24, 1996, October 31, 1996, <i>Las Vegas Review-Journal</i> .	The Honorable Kenneth Carter, Mayor, City of Mesquite, P.O. Box 69, Mesquite, Nevada 89024.	Sept. 27, 1996 .....	320035
New Mexico: Bernalillo (FEMA Docket No. 7204).	City of Albuquerque.	October 10, 1996, October 17, 1996, <i>Albuquerque Journal</i> .	The Honorable Martin J. Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	Sept. 23, 1996 .....	350002
Oklahoma: Payne (FEMA Docket No. 7204).	City of Stillwater ...	October 17, 1996, October 24, 1996, <i>Stillwater Newspress</i> .	The Honorable Terry Miller, Mayor, City of Stillwater, P.O. Box 1449, Stillwater, Oklahoma 74076.	Sept. 27, 1996 .....	405380
Texas: Tarrant (FEMA Docket No. 7204).	City of Arlington ...	October 25, 1996, November 1, 1996, <i>Fort Worth Star Telegram</i> .	The Honorable Richard Greene, Mayor, City of Arlington, P.O. Box 231, Arlington, Texas 76004-0231.	Oct. 8, 1996 .....	485454
Texas: Tarrant (FEMA Docket No. 7204).	City of Arlington ...	November 15, 1996, November 22, 1996, <i>Fort Worth Star Telegram</i> .	The Honorable Richard Greene, Mayor, City of Arlington, P.O. Box 231, Arlington, Texas 76004-0231.	Oct. 30, 1996 .....	485454
Texas: Dallas (FEMA Docket No. 7171).	City of Dallas .....	December 1, 1995, December 8, 1995, <i>Dallas Morning News</i> .	The Honorable Ron Kirk, Mayor, City of Dallas, 1500 Marilla Street, Room 5E North, Dallas, Texas 75201.	Nov. 10, 1995 .....	480171
Texas: Tarrant (FEMA Docket No. 7204).	City of Fort Worth	November 15, 1996, November 22, 1996, <i>Fort Worth Star Telegram</i> .	The Honorable Kenneth Barr, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102-6311.	Oct. 30, 1996 .....	480596
Texas: Harris (FEMA Docket No. 7204).	City of Houston ....	November 18, 1996, November 25, 1996, <i>Houston Chronicle</i> .	The Honorable Robert Lanier, Mayor, City of Houston, P.O. Box 1562, Houston, Texas 77251.	Nov. 7, 1996 .....	480296
Texas: Gregg and Harrison (FEMA Docket No. 7204).	City of Longview ..	November 27, 1996, December 4, 1996, <i>Longview News Journal</i> .	The Honorable I.J. Patterson, Jr. Mayor, City of Longview, P.O. Box 1952, Longview, Texas 75606.	Nov. 13, 1996 .....	480264
Texas: Harrison (FEMA Docket No. 7171).	City of Marshall ....	December 8, 1995, December 15, 1995, <i>Marshall News Messenger</i> .	The Honorable John Wilborn, Mayor, City of Marshall, P.O. Box 698, Marshall, Texas 75671.	Nov. 13, 1995 .....	480319
Texas: Dallas (FEMA Docket No. 7204).	City of Mesquite ...	November 14, 1996, November 21, 1996, <i>The Mesquite News</i> .	The Honorable Cathye Ray, Mayor, City of Mesquite, P.O. Box 850137, Mesquite, Texas 75185-0137.	Nov. 1, 1996 .....	485490

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Texas: Midland (FEMA Docket No. 7204).	City of Midland .....	November 15, 1996, November 22, 1996, <i>Midland Reporter-Telegram</i> .	The Honorable Robert E. Burns, Mayor, City of Midland, P.O. Box 1152, Midland, Texas 79702-1152.	Oct. 30, 1996 .....	480477

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

Dated: June 12, 1997.

**Richard W. Krimm,**

*Executive Associate Director, Mitigation Directorate.*

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 65

[Docket No. FEMA-7212]

#### 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 Executive Associate Director, Mitigation Directorate, 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:

Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW., Washington, DC 20472, (202) 646-2796.

**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 Executive Associate Director, Mitigation Directorate, 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.

#### 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: