

### B. Analytical Method(s)

A method for extraction and ELISA analysis of the Vip3Aa19 protein in cotton has been submitted and is under review by the Agency. For the temporary tolerance exemption, the ELISA method described with the expression data is sufficient.

### C. Codex Maximum Residue Level

No Codex maximum residue levels exist for the PIP *Bacillus thuringiensis* Vip3Aa19 protein and the genetic material necessary for its production in cotton.

## VIII. Statutory and Executive Order Reviews

This final rule extends the temporary exemption from the requirement of a tolerance under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 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 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).

## IX. 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 174

Environmental protection, Administrative practice and procedure, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 27, 2007.

**Janet L. Andersen,**

*Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

■ Therefore, 40 CFR chapter I is amended as follows:

### PART 174—[AMENDED]

■ 1. The authority citation for part 174 continues to read as follows:

**Authority:** 7 U.S.C. 136-136y; 21 U.S.C. 346a and 371.

■ 2. Section 174.501 is revised to read as follows:

### § 174.501 *Bacillus thuringiensis* Vip3Aa19 protein in cotton; temporary exemption from the requirement of a tolerance.

Residues of *Bacillus thuringiensis* Vip3Aa19 protein in cotton are temporarily exempt from the requirement of a tolerance when used as a plant-incorporated protectant in the food and feed commodities of cotton; vegetative-insecticidal protein in cotton, undelinted seed, cotton, oil, cotton meal, cotton hay, cotton hulls, cotton forage, and cotton, gin byproducts. This temporary exemption from the requirement of tolerance will permit the use of the food commodities in this section when treated in accordance with the provisions of the experimental use permit 67979-EUP-7, which is being extended in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136). This temporary exemption from the requirement of a tolerance expires and is revoked May 1, 2009; however, if the experimental use permit is revoked, or if any experience with or scientific data on this pesticide indicate that the temporary tolerance exemption is not safe, this temporary exemption from the requirement of a tolerance may be revoked at any time.

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA-8003]

#### 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 I</b><br>Maine: Mapleton, Town of, Aroostook County.              | 230025        | May 13, 1975, Emerg; September 18, 1985, Reg; December 18, 2007, Susp.            | Dec. 18, 2007 ...          | Dec. 18, 2007.   |
| <b>Region III</b><br>Virginia: Henrico County, Unincorporated Areas.        | 510077        | December 30, 1971, Emerg; February 4, 1981, Reg; December 18, 2007, Susp.         | .....do .....              | Do.  |
| <b>Region IV</b><br>North Carolina: Alexander County, Unincorporated Areas. | 370398        | July 23, 1990, Emerg; February 1, 1991, Reg; December 18, 2007, Susp.             | .....do .....              | Do.  |
| <b>Region V</b><br>Illinois: Dwight, Village of, Livingston County          | 170423        | September 9, 1974, Emerg; November 1, 1990, Reg; December 18, 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 assistance no longer available in SFHAs |
|--|---------------|---|----------------------------|--|
| Fairbury, City of, Livingston County .....           | 170424        | May 27, 1975, Emerg; April 16, 1990, Reg; December 18, 2007, Susp.                | .....do .....              | Do.  |
| Livingston County, Unincorporated Areas .....        | 170929        | June 6, 1996, Emerg;—, Reg; December 18, 2007, Susp.                              | .....do .....              | Do.  |
| Pontiac, City of, Livingston County .....            | 170426        | —, Emerg;—, Reg; December 18, 2007, Susp.   | .....do .....              | Do.  |
| Streator, City of, Livingston County .....           | 170408        | December 1, 1972, Emerg; September 18, 1986, Reg; December 18, 2007, Susp.        | .....do .....              | Do.  |
| Ohio: Geneva, City of, Ashtabula County .....        | 390013        | August 16, 1974, Emerg; February 1, 1980, Reg; December 18, 2007, Susp.           | .....do .....              | Do.  |
| Geneva on-the-Lake, Village of, Ashtabula County.    | 422507        | March 28, 1975, Emerg; December 4, 1979, Reg; December 18, 2007, Susp.            | .....do .....              | Do.  |
| Jefferson, Village of, Ashtabula County .....        | 390014        | July 23, 1976, Emerg; August 1, 1979, Reg; December 18, 2007, Susp.               | .....do .....              | Do.  |
| North Kingsville, Village of, Ashtabula County.      | 390889        | May 27, 1988, Emerg; August 4, 1988, Reg; December 18, 2007, Susp.                | .....do .....              | Do.  |
| Roaming Shores, Village of, Ashtabula County.        | 390885        | June 12, 1987, Emerg; September 16, 1988, Reg; December 18, 2007, Susp.           | .....do .....              | Do.  |
| Rock Creek, Village of, Ashtabula County ....        | 390665        | August 7, 1975, Emerg; July 7, 1978, Reg; December 18, 2007, Susp.                | .....do .....              | Do.  |
| <b>Region VIII</b>                                   |               |   |                            |  |
| South Dakota: Edgemont, City of, Falls River County. | 460026        | March 6, 1980, Emerg; December 16, 1980, Reg; December 18, 2007, Susp.            | .....do .....              | Do.  |
| Fall River County, Unincorporated Areas .....        | 460238        | October 24, 2003, Emerg;—, Reg; December 18, 2007, Susp.                          | .....do .....              | Do.  |
| Hot Springs, City of, Falls River County .....       | 460027        | May 7, 1973, Emerg; June 30, 1976, Reg; December 18, 2007, Susp.                  | .....do .....              | Do.  |
| <b>Region X</b>                                      |               |   |                            |  |
| Oregon: Boardman, City of, Morrow County             | 410174        | October 22, 1975, Emerg; May 25, 1978, Reg; December 18, 2007, Susp.              | .....do .....              | Do.  |
| Heppner, City of, Morrow County .....                | 410175        | June 21, 1974, Emerg; April 1, 1981, Reg; December 18, 2007, Susp.                | .....do .....              | Do.  |
| Ione, City of, Morrow County .....                   | 410176        | November 17, 1975, Emerg; April 1, 1981, Reg; December 18, 2007, Susp.            | .....do .....              | Do.  |
| Irrigon, City of, Morrow County .....                | 410177        | November 25, 1975, Emerg; August 26, 1977, Reg; December 18, 2007, Susp.          | .....do .....              | Do.  |
| Lexington, City of, Morrow County .....              | 410178        | January 15, 1975, Emerg; April 1, 1981, Reg; December 18, 2007, Susp.             | .....do .....              | Do.  |
| Morrow County, Unincorporated Areas .....            | 410173        | June 3, 1974, Emerg; April 1, 1981, Reg; December 18, 2007, Susp.                 | .....do .....              | Do.  |

\* do = Ditto.  
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: November 26, 2007.  
**David I. Maurstad,**  
*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-8001]**  
**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.

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