

that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.” This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.”

### VIII. 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 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: April 30, 2001.

**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. 321(q), 346(a) and 371.

2. Section 180.569 is added to read as follows:

#### **§ 180.569 Forchlorfenuron; tolerances for residues.**

(a) *General.* Time-limited tolerances are established for residues of the plant growth regulator forchlorfenuron; *N*-(2-chloro-4-pyridinyl)-*N'*-phenylurea in or on the food commodities:

Commodity	Parts per million	Expiration/Revocation Date
Almond .....	0.01	4/1/04
Apple .....	0.01	4/1/04
Blueberry ..	0.01	4/1/04
Cranberry ..	0.01	4/1/04
Fig .....	0.01	4/1/04
Grape .....	0.01	4/1/04
Kiwifruit .....	0.01	4/1/04
Olive .....	0.01	4/1/04
Pear .....	0.01	4/1/04
Plum (fresh).	0.01	4/1/04

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

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

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

[FR Doc. 01–11414 Filed 5–4–01; 8:45 am]

**BILLING CODE 6560–50–S**

## **FEDERAL EMERGENCY MANAGEMENT AGENCY**

### **44 CFR Part 64**

[Docket No. FEMA–7761]

### **Suspension of Community Eligibility**

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

**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 suspended 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 be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community’s suspension is the third date (“Susp.”) listed in the third column of the following tables.

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

**FOR FURTHER INFORMATION CONTACT:** Donna M. Dannels, Division Director, Policy and Assessment Division, Mitigation Directorate, 500 C Street, S.W., Room 411, Washington, D.C. 20472, (202) 646–3098.

**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 National Flood Insurance Program, 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 *et seq.* 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, the Federal Emergency Management Agency has identified the special flood hazard areas 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 the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency’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 Associate Director 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 a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been 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 Associate Director 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 they take remedial action.

#### 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 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 special flood hazard areas
<b>Region I</b>				
Maine: Winslow, town of, Kennebec County	230071	May 22, 1974, Emerg., September 30, 1987, Reg. May 7, 2001, Susp.	May 7, 2001 .....	May 7, 2001.
<b>Region II</b>				
New York: Litchfield, town of, Herkimer County.	360309	July 19, 1983, Emerg., September 24, 1984, Reg. May 7, 2001, Susp.	.....do .....	Do.
<b>Region IV</b>				
Georgia: Decatur, city of, DeKalb County ...	135159	June 19, 1970, Emerg., June 11, 1971, Reg. May 7, 2001, Susp.	.....do .....	Do.
<b>Region VI</b>				
Arkansas: Mansfield, city of, Sebastian County	050202	July 29, 1975, Emerg., June 18, 1987, Reg. May 7, 2001, Susp.	.....do .....	Do.
Sebastian County, unincorporated areas.	050462	January 27, 1983, Emerg., April 1, 1988, Reg. May 7, 2001, Susp.	.....do .....	Do.
New Mexico: Raton, city of, Colfax County.	350008	December 5, 1974, Emerg., March 1, 1986, Reg. May 7, 2001, Susp.	.....do .....	Do.
<b>Region IX</b>				
Texas:				
Huntsville, city of, Walker County .....	480639	January 20, 1975, Emerg., February 4, 1981, Reg. May 7, 2001, Susp.	.....do .....	Do.
Walker County, unincorporated areas ..	481042	August 18, 1978, Emerg., May 1, 1987, Reg. May 7, 2001, Susp.	.....do .....	Do.
<b>Region IX</b>				
California:				
Solano County, unincorporated areas ..	060631	March 23, 1979, Emerg., August 2, 1982, Reg. May 7, 2001, Susp.	.....do .....	Do.
Vacaville, city of, Solano County .....	060373	February 18, 1975, Emerg., August 2, 1982, Reg. May 7, 2001, Susp.	May 21, 2001 ...	May 21, 2001.
<b>Region I</b>				
Rhode Island: Coventry, town of Kent County.	440004	November 21, 1973, Emerg., September 1, 1978, Reg. May 21, 2001, Susp.	.....do .....	Do.
<b>Region II</b>				
New Jersey: Stafford, township of, Ocean County.	340393	September 15, 1972, Emerg., September 14, 1979, Reg., May 21, 2001, Susp.	.....do .....	Do.
New York: Holland Patent, village of, Oneida County.	360530	April 25, 1975, Emerg., April 17, 1985, Reg. May 21, 2001, 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 special flood hazard areas
<b>Region III</b>				
Pennsylvania:				
Bern, township of, Berks County .....	421050	March 25, 1974, Emerg., November 19, 1980, Reg. May 21, 2001, Susp.	.....do .....	Do.
Heidelberg, township of, Berks County	421069	March 7, 1977, Emerg., May 3, 1990, Reg. May 21, 2001, Susp.	.....do .....	Do.
Leesport, borough of, Berks County ....	420138	December 26, 1973, Emerg., May 16, 1977, Reg. May 21, 2001, Susp.	.....do .....	Do.
Marion, township of, Berks County .....	421079	October 28, 1975, Emerg., January 2, 1981, Reg. May 21, 2001, Susp.	.....do .....	Do.
Muhlenberg, township of, Berks County.	420144	March 9, 1973, Emerg., September 1, 1977, Reg. May 21, 2001, Susp.	.....do .....	Do.
Ontelaunee, township of, Berks County	420966	September 5, 1973, Emerg., June 1, 1977, Reg. May 21, 2001, Susp.	.....do .....	Do.
Spring, township of, Berks County .....	421108	June 27, 1974, Emerg., April 18, 1983, Reg. May 21, 2001, Susp.	.....do .....	Do.
Tulpehocken, township of, Berks County.	421115	April 19, 1978, Emerg., August 4, 1988, Reg. May 21, 2001, Susp.	.....do .....	Do.
Wyomissing, borough of, Berks County	421375	August 28, 1974, Emerg., April 18, 1983, Reg. May 21, 2001, Susp.		
<b>Region V</b>				
Illinois: Winnebago, unincorporated areas ..	170720	February 16, 1973, Emerg., November 19, 1980, Reg. May 21, 2001, Susp.		
<b>Region VII</b>				
Kansas: Augusta, city of, Butler County .....	200038	June 25, 1975, Emerg., August 15, 1980, Reg. May 21, 2001, Susp.		
<b>Region VIII</b>				
Colorado:				
Durango, city of, La Plata County .....	080099	April 30, 1974, Emerg., January 17, 1979, Reg. May 21, 2001, Susp.	.....do .....	Do.
La Plata County, unincorporated areas	080097	December 12, 1974, Emerg., December 15, 1981, Reg. May 21, 2001, Susp.	.....do .....	Do.

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

Dated: April 25, 2001.

**Margaret E. Lawless,**  
Acting Executive Associate Director for  
Mitigation.

[FR Doc. 01-11363 Filed 5-4-01; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AG14

#### Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Great Lakes Breeding Population of the Piping Plover

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), designate critical habitat pursuant to the Endangered Species Act (Act) of 1973,

as amended for the Great Lakes breeding population of the piping plover. The Great Lakes breeding population of the piping plover is listed as an endangered species under the Act. A total of approximately 325 km (201 mi) of Great Lakes shoreline (extending 500 m (1640 ft) inland) in 26 counties in Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Pennsylvania, and New York, is designated as critical habitat for the Great Lakes population of the piping plover. The total length of designated shoreline is divided among 35 separate critical habitat units.

Section 7 of the Act requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to destroy or adversely modify critical habitat. As required by section 4 of the Act, we considered economic and other relevant impacts prior to making a final decision on what areas to designate as critical habitat.

**EFFECTIVE DATE:** This final rule is effective June 6, 2001.

**ADDRESSES:** The complete administrative record for this rule, including comments and materials

received, as well as supporting documentation used in the preparation of this final rule, will be available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, MN 55111.

#### FOR FURTHER INFORMATION CONTACT:

Laura J. Ragan at the above address (telephone 612/713-5157; facsimile 612/713-5292). TTY users may contact us through the Federal Relay Service at 1-800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Background

The piping plover (*Charadrius melodus*), named for its melodic mating call, is a small, pale-colored North American shorebird. It weighs 43–63 grams (1.5–2.5 ounces) and is 17–18 centimeters (cm) (6–7 inches (in.)) long (Haig 1992). Its light, sand-colored plumage blends in well with the sandy beach, its primary habitat. Plumage and leg color help distinguish this bird from other plover species. During the breeding season, the legs are bright