

established on the basis of a FIFRA section 18 exemption under section 408 of the 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. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the

Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations 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.

#### IX. 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: January 17, 2003.

**Debra Edwards,**

*Acting 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 180.371 is amended by alphabetically adding the entry for mushroom to the table in paragraph (b) to read as follows:

#### § 180.371 Thiophanate methyl; tolerances for residues.

\* \* \* \* \*

(b) \* \* \*

Commodity	Parts per million	Expiration/revocation date
* * * * *		
Mushroom .....	0.01	12/31/04

\* \* \* \* \*

[FR Doc. 03-2770 Filed 2-4-03; 8:45 am]

BILLING CODE 6560-50-S

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### 44 CFR Part 64

[Docket No. FEMA-7801]

#### 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:** Edward Pasterick, Division Director, Risk Communication Division, Federal Insurance and Mitigation Administration, 500 C Street, SW., Room 435, Washington, DC 20472, (202) 646-3443.

**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 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 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 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 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 VI</b>				
Arkansas: Conway, City of, Faulkner County.	050078	October 29, 1974, Emerg.; March 18, 1980, Reg.; February 5, 2003, Susp.	2/5/2003	2/5/2003
Faulkner County, Faulkner County.	050431	September 24, 1990, Emerg.; September 27, 1991, Reg.; February 5, 2003, Susp.	2/5/2003	2/5/2003
Greenbrier, City of, Faulkner County.	050328	November 19, 1975, Emerg.; July 13, 1982, Reg.; February 5, 2003, Susp.	2/5/2003	2/5/2003
<b>Region III</b>				
Virginia: Fairfax, City of, Independent City.	515524	May 8, 1970, Emerg.; December 17, 1971, Reg.; February 19, 2003, Susp.	2/19/2003	2/19/2003
<b>Region IV</b>				
Mississippi: D'iberville, City of, Harrison County.	280336	November 14, 1988, Emerg.; November 14, 1988, Reg.; February 19, 2003, Susp.	2/19/2003	2/19/2003

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 V</b>				
Indiana: Arcadia, Town of, Hamilton County.	180496	December 9, 1988, Reg.; February 19, 2003, Susp .....	2/19/2003	2/19/2003
Carmel, City of, Hamilton County.	180081	August 7, 1975, Emerg.; May 19, 1981, Reg.; February 19, 2003, Susp.	2/19/2003	2/19/2003
Cicero, Town of, Hamilton County.	180320	March 24, 1975, Emerg.; January 2, 1980, Reg.; February 19, 2003, Susp.	2/19/2003	2/19/2003
Fishers, Town of, Hamilton County.	180423	August 1, 1975, Emerg.; June 30, 1976, Reg.; February 19, 2003, Susp.	2/19/2003	2/19/2003
Hamilton County, Unincorporated Areas.	180080	December 15, 1988, Emerg.; December 16, 1988, Reg.; February 19, 2003, Susp.	2/19/2003	2/19/2003
Noblesville, City of, Hamilton County.	180082	June 12, 1975, Emerg.; March 2, 1981, Reg.; February 19, 2003, Susp.	2/19/2003	2/19/2003
Westfield, Town of, Hamilton County.	180083	August 15, 1975, Emerg.; March 16, 1981, Reg.; February 19, 2003, Susp.	2/19/2003	2/19/2003
<b>Region X</b>				
Idaho: Boise, City of, Ada County.	160002	April 14, 1975, Emerg.; April 17, 1984, Reg.; February 19, 2003, Susp.	2/19/2003	2/19/2003

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

Dated: January 29, 2003.

**Anthony S. Lowe,**

*Administrator, Federal Insurance and Mitigation Administration.*

[FR Doc. 03–2786 Filed 2–4–03; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 02–2612; MM Docket No. 00–31; RM–9815, RM–10014, RM–10095]

### Radio Broadcasting Services; Nogales, Patagonia, and Vail, AZ

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule, correction.

**SUMMARY:** The Federal Communications Commission published in the **Federal Register** of October 31, 2002, a document dismissing an Application for Review filed by Big Broadcast of Arizona, LLC directed to the *Report and Order* in this proceeding. The amendatory language was omitted from the document. This document adds the amendatory language.

**DATES:** Effective on February 5, 2003.

**FURTHER INFORMATION CONTACT:** Robert Hayne, Media Bureau, (202) 418–2177.

**SUPPLEMENTARY INFORMATION:** The FCC published a document in the **Federal Register** of October 31, 2002 (67 FR 66340), dismissing an Application for

Review filed by Big Broadcast of Arizona, LLC directed to the *Report and Order* in this proceeding. See 65 FR 11540, March 3, 2000. In FR Doc. 02–27693, the amendatory language was omitted. This correction adds the amendatory language to the document.

In rule FR Doc. 02–27693 published on October 31, 2002 (67 FR 66340), make the following correction. On page 66341, in the first column, after line 15, add the following amendatory language:

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 283A at Vail.

Dated: January 29, 2003.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 03–2671 Filed 2–4–03; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03–48; MM Docket No. 01–131, RM–10148, MM Docket No. 01–133, 10143, RM–10150]

### Radio Broadcasting Services; Benjamin and Mason, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; denial of petition for reconsideration.

**SUMMARY:** This document denies a Petition for Reconsideration filed by Charles Crawford directed to both the *Report and Order* in MM Docket No. 01–131 and the *Report and Order* in MM Docket No. 01–133 which his respective proposals for a Channel 257C2 allotment at Benjamin, Texas, and a Channel 249C3 allotment at Mason, Texas. See 67 FR 42198, June 21, 2002. With this action, the proceeding is terminated.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau (202) 418–2177.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket No. 01–131, and MM Docket No. 01–133 adopted January 2, 2003, and released January 3, 2003. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference