

information. This comment as well as her comments regarding animal testing have been responded to by the Agency on several occasions. For examples, see the **Federal Register** issues of January 7, 2005 (70 FR 1349) (FRL-7691-4) and October 29, 2004 (69 FR 63083) (FRL-7681-9).

**V. Conclusion**

Therefore, tolerances are established for residues of fluopicolide, 2,6-dichloro-N-[[3-chloro-5-(trifluoromethyl)-2-pyridinyl]methyl]benzamide, as an indicator of combined residues of fluopicolide and its metabolite, BAM, on grape at 2.0 ppm; grape, raisin at 6.0 ppm; vegetable, cucurbit, group 9 at 0.50 ppm; vegetable, fruiting, group 8 at 1.6 ppm; vegetable, leafy, except brassica, group 4 at 25 ppm; and vegetable, tuberous and corm, except potato, subgroup 1D at 0.02 ppm. Additional livestock feeding studies and livestock tolerance enforcement methods are needed to support tolerances for: Potatoes and wheat. Tolerances for these commodities are not established at this time.

**VI. Statutory and Executive Order Reviews**

This final rule establishes 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, 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.

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).

**VII. 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 180**

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

Dated: January 17, 2008.

**Debra Edwards,**

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

■ 2. Section 180.627 is amended by revising paragraph (a) to read as follows:

**180.627 Fluopicolide; tolerances for residues.**

(a) *General.* Tolerances are established for residues of fluopicolide, 2,6-dichloro-N-[[3-chloro-5-(trifluoromethyl)-2-pyridinyl]methyl]benzamide, as an indicator of combined residues of fluopicolide and its metabolite, 2,6-dichlorobenzamide (BAM).

Commodity	Parts per million
Grape .....	2.0
Grape, raisin .....	6.0
Vegetable, cucurbit, group 9 ....	0.50
Vegetable, fruiting, group 8 .....	1.60
Vegetable, leafy, except brassica, group 4 .....	25
Vegetable, tuberous and corm (except potato), subgroup 1D	0.02

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[FR Doc. E8-1525 Filed 1-29-08; 8:45 am]

BILLING CODE 6560-50-S

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

**Final Flood Elevation Determinations**

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

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing

BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

**ADDRESSES:** The final BFEs 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 table below.

**FOR FURTHER INFORMATION CONTACT:** William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs 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 Mitigation Division Director of FEMA has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster

Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

*National Environmental Policy Act.* This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*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 final rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This final rule meets the applicable standards of Executive Order 12988.

**List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

**PART 67—[AMENDED]**

■ 1. The authority citation for part 67 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.

**§ 67.11 [Amended]**

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground. Modified	Communities affected
<b>Baker County, Florida, and Incorporated Areas</b> <b>Docket No.: FEMA-B-7724</b>			
Barber Bay Tributary .....	At Confluence with South Prong Saint Mary's River .....	+85	City of Macclenny.
	1,100 feet upstream of County Road 228 .....	+124	
	3,000 feet upstream of County Road 228 .....	+128	Baker County (Unincorporated Areas).
South Prong Saint Mary's River	6,459 feet downstream from the confluence with Barber Bay Tributary.	+79	
	8,800 feet upstream from the confluence with South Prong St. Mary's River Tributary 8.	+100	Baker County (Unincorporated Areas).
South Prong Saint Mary's River Tributary 8.	At confluence with South Prong Saint Mary's River .....	+97	
	12,660 feet upstream from the confluence with South Prong St. Mary's River.	+122	Baker County (Unincorporated Areas).
Turkey Creek .....	1,680 feet upstream of the confluence with Turkey Creek Tributary 2.	+111	
	1,250 feet upstream of Barber Road .....	+116	Baker County (Unincorporated Areas).
	810 feet downstream of Barber Road .....	+117	
Turkey Creek Tributary 1 .....	At confluence with Turkey Creek .....	+95	Baker County (Unincorporated Areas).
	8,960 feet upstream of State Highway 121 .....	+138	
Turkey Creek Tributary 1.1 .....	At confluence with Turkey Creek Tributary 1.1 .....	+98	Baker County (Unincorporated Areas).
	1,190 feet upstream of Woodlawn Road .....	+117	
	1,280 feet upstream of Woodlawn Road .....	+118	City of Macclenny.
	1,940 feet upstream of Woodlawn Road .....	+119	
Turkey Creek Tributary 2 .....	At Confluence with Turkey Creek .....	+109	City of Macclenny.
	3,080 feet upstream of the confluence with Turkey Creek Tributary 2.1.	+125	
	145 feet upstream of U.S. Highway 90 .....	+129	City of Macclenny.
	At Interstate 10 .....	+129	
Turkey Creek Tributary 2.1 .....	At confluence with Turkey Creek Tributary 2 .....	+115	City of Macclenny.
	At Powerline Road .....	+122	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground. Modified	Communities affected
	3,040 feet upstream of Canal Road .....	+132	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.

**ADDRESSES**

**City of Macclenny**

Maps are available for inspection at 32 South 5th Street, Macclenny, FL 32063.

**Baker County (Unincorporated Areas)**

Maps are available for inspection at 55 North 3rd Street, Macclenny, FL 32063.

**Northumberland County, Pennsylvania, and Incorporated Areas  
Docket No.: FEMA-B-7701**

Boile Run .....	Approximately 905 feet downstream of State Road 147 ....	+432	Township of Lower Augusta.
	Approximately 690 feet upstream of State Road 147 .....	+432	
Dalmatia Creek .....	Approximately at 90 feet downstream of State Road 147 ..	+416	Township of Lower Mahanoy.
	Approximately at 900 feet upstream of State Road 147 ....	+416	
Limestone Run .....	Approximately at 1,110 feet downstream of Filbert Street	+468	Borough of Milton, Township of Turbot.
	Approximately at 1,600 feet upstream of Township Route 594.	+519	
Mahanoy Creek .....	Approximately 2,120 feet downstream of State Road 147	+427	Township of Jackson.
	Approximately 2,900 feet upstream of State Road 147 .....	+427	
Mahantango Creek .....	Approximately 1,000 feet downstream of State Road 147	+400	Township of Lower Mahanoy.
	Approximately at 3,000 feet upstream of State Road 147	+404	
Muddy Run .....	Approximately at 3,120 feet downstream of Legislative Route 49102.	+472	Township of Turbot.
	Approximately at 50 feet downstream of Township Route 572.	+472	
Shamokin Creek .....	Approximately 2,500 feet downstream of State Road 61 ...	+583	Township of Ralpho, Township of Shamokin.
	Approximately 2,250 feet upstream of Irish Valley Road ...	+617	
Susquehanna River .....	Approximately 18.6 miles downstream of Route 61, at Northumberland/Dauphin County line.	+400	Borough of Herndon, Borough of Northumberland, Borough of Riverside, City of Sunbury, Township of Lower Augusta, Township of Lower Mahanoy, Township of Point, Township of Rush, Township of Upper Augusta.
	Approximately 3.9 miles upstream of Route 54, at Northumberland/Montour County line.	+468	
Tributary No. 1 to Limestone Run.	Approximately 2,055 feet downstream of State Road 254	+476	Township of Turbot.
	Approximately 250 feet downstream of State Road 254 ....	+476	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.

**ADDRESSES**

**Borough of Herndon**

Maps are available for inspection at Herndon Borough Municipal Building, P.O. Box 385, Herndon, PA 17830.

**Borough of Milton**

Maps are available for inspection at Milton Borough Office, 2nd Filbert Street, Milton, PA 17847.

**Borough of Northumberland**

Maps are available for inspection at Northumberland Borough Building, 221 Second Street, Northumberland, PA 17857.

**Borough of Riverside**

Maps are available for inspection at Riverside Borough Building, 301 Dewart Street, Riverside, PA 17868.

**City of Sunbury**

Maps are available for inspection at Sunbury City Code Administration Office, 225 Market Street, Sunbury, PA 17801.

**Township of Jackson**

Maps are available for inspection at Jackson Township Municipal Building, RR 2 Box 605, Herndon, PA 17830.

**Township of Lower Augusta**

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground. Modified	Communities affected
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Maps are available for inspection at Lower Augusta Township Building, Rd #3, Box 28, Sunbury, PA 17801.

**Township of Lower Mahanoy**

Maps are available for inspection at Lower Mahanoy Township Hall, Rd 1, Box 38, Dalmatia, PA 17017.

**Township of Point**

Maps are available for inspection at Point Township Municipal Building, 759 Ridge Road, Northumberland, PA 17857.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: January 22, 2008.

**David I. Maurstad,**

*Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E8-1651 Filed 1-29-08; 8:45 am]

**BILLING CODE 9110-12-P**

**LEGAL SERVICES CORPORATION**

**45 CFR Part 1611**

**Income Level for Individuals Eligible for Assistance**

**AGENCY:** Legal Services Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Legal Services Corporation ("Corporation") is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Federal Poverty Guidelines as issued by the Department of Health and Human Services.

**DATES: Effective Date:** This rule is effective as of January 30, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Mattie Cohan, Senior Assistant General Counsel, Legal Services Corporation, 3333 K St., NW., Washington, DC 20007; (202) 295-1624; [mcohan@lsc.gov](mailto:mcohan@lsc.gov).

**SUPPLEMENTARY INFORMATION:** Section 1007(a)(2) of the Legal Services Corporation Act ("Act"), 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that other specified factors shall be taken into account along with income.

Section 1611.3(c) of the Corporation's regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the Federal Poverty Guidelines. Since 1982, the Department of Health and Human Services has been responsible for updating and issuing the Federal Poverty Guidelines. The revised figures for 2008 set out below are equivalent to 125% of the current Federal Poverty Guidelines as published on January 23, 2008 (73 FR 3971).

In addition, LSC is publishing charts listing income levels that are 200% of

the Federal Poverty Guidelines. These charts are for reference purposes only as an aid to grant recipients in assessing the financial eligibility of an applicant whose income is greater than 200% of the applicable Federal Poverty Guidelines amount, but less than 200% of the applicable Federal Poverty Guidelines amount (and who may be found to be financially eligible under duly adopted exceptions to the annual income ceiling in accordance with sections 1611.3, 1611.4 and 1611.5).

**List of Subjects in 45 CFR Part 1611**

Grant programs—law, Legal services.

■ For reasons set forth above, 45 CFR part 1611 is amended as follows:

**PART 1611—ELIGIBILITY**

■ 1. The authority citation for part 1611 continues to read as follows:

**Authority:** Secs. 1006(b)(1), 1007(a)(1) Legal Services Corporation Act of 1974, 42 U.S.C. 2996e(b)(1), 2996f(a)(1), 2996f(a)(2).

■ 2. Appendix A of part 1611 is revised to read as follows:

**APPENDIX A OF PART 1611.—LEGAL SERVICES CORPORATION 2008 POVERTY GUIDELINES\***

Size of household	48 contiguous states and the District of Columbia	Alaska	Hawaii
1 .....	\$13,000	\$16,250	\$14,950
2 .....	17,500	21,875	20,125
3 .....	22,000	27,500	25,300
4 .....	26,500	33,125	30,475
5 .....	31,000	38,750	35,650
6 .....	35,500	44,375	40,825
7 .....	40,000	50,000	46,000
8 .....	44,500	55,625	51,175
For each additional member of the household in excess of 8, add .....	4,500	5,625	5,175

\* The figures in this table represent 125% of the poverty guidelines by household size as determined by the Department of Health and Human Services.