

implement and issue permits for HSWA requirements for which Alabama is not yet authorized.

#### J. What Is Codification and Is EPA Codifying Alabama's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart B, for this authorization of Alabama's program changes until a later date.

#### K. Administrative Requirements

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the State, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. 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), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 document 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 in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective June 2, 2008.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indians—lands, Intergovernmental relations, Penalties,

Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of Sections 2002(a), 3006, and 7004(b), of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: January 22, 2008.

**J. I. Palmer, Jr.,**

*Regional Administrator, Region 4.*

[FR Doc. E8-6813 Filed 4-1-08; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA-8017]

#### 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 III</b>				
Virginia: Bland County, Unincorporated Areas.	510017	July 29, 1975, Emerg; January 5, 1989, Reg; April 02, 2008, Susp.	Apr. 2, 2008 .....	Apr. 2, 2008.
<b>Region IV</b>				
Kentucky:				
Breathitt County, Unincorporated Areas	210023	April 20, 1977, Emerg; September 27, 1985, Reg; April 02, 2008, Susp.	.....do* .....	Do.
Jackson, City of, Breathitt County .....	210024	July 21, 1975, Emerg; September 27, 1985, Reg; April 02, 2008, Susp.	.....do .....	Do.
<b>Region V</b>				
Wisconsin:				
Bangor, Village of, La Crosse County ...	550218	January 20, 1975, Emerg; January 2, 1981, Reg; April 02, 2008, Susp.	.....do .....	Do.
Cambria, Village of, Columbia County ..	550057	June 11, 1975, Emerg; September 18, 1985, Reg; April 02, 2008, Susp.	.....do .....	Do.
Columbia County, Unincorporated Areas.	550581	July 31, 1975, Emerg; April 15, 1980, Reg; April 02, 2008, Susp.	.....do .....	Do.
Columbus, City of, Columbia County ....	550058	October 7, 1974, Emerg; December 1, 1981, Reg; April 02, 2008, 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
Doylestown, Village of, Columbia County.	550059	April 30, 1976, Emerg; September 18, 1985, Reg; April 02, 2008, Susp.	.....do .....	Do.
Fall River, Village of, Columbia County	550060	April 17, 1975, Emerg; September 4, 1985, Reg; April 02, 2008, Susp.	.....do .....	Do.
Holmen, Village of, La Crosse County ..	550219	June 27, 1975, Emerg; April 20, 1979, Reg; April 02, 2008, Susp.	.....do .....	Do.
La Crosse, City of, La Crosse County ..	555562	December 4, 1970, Emerg; January 15, 1971, Reg; April 02, 2008, Susp.	.....do .....	Do.
La Crosse County, Unincorporated Areas.	550217	March 26, 1971, Emerg; March 15, 1984, Reg; April 02, 2008, Susp.	.....do .....	Do.
Lodi, City of, Columbia County .....	550061	June 13, 1974, Emerg; November 15, 1984, Reg; April 02, 2008, Susp.	.....do .....	Do.
Onalaska, City of, La Crosse County ....	550221	July 3, 1975, Emerg; September 16, 1981, Reg; April 02, 2008, Susp.	.....do .....	Do.
Pardeeville, Village of, Columbia County.	550062	August 19, 1976, Emerg; August 15, 1983, Reg; April 02, 2008, Susp.	.....do .....	Do.
Portage, City of, Columbia County .....	550063	June 11, 1974, Emerg; August 15, 1983, Reg; April 02, 2008, Susp.	.....do .....	Do.
Poynette, Village of, Columbia County	550064	July 29, 1975, Emerg; September 18, 1985, Reg; April 02, 2008, Susp.	.....do .....	Do.
West Salem, Village of, La Crosse County.	550560	April 17, 1986, Emerg; April 17, 1986, Reg; April 02, 2008, Susp.	.....do .....	Do.
Wisconsin Dells, City of, Columbia County.	550065	July 17, 1975, Emerg; December 18, 1984, Reg; April 02, 2008, Susp.	.....do .....	Do.
Wyocena, Village of, Columbia County	550066	May 22, 1975, Emerg; January 18, 1984, Reg; April 02, 2008, Susp.	.....do .....	Do.
<b>Region VI</b>				
Oklahoma:				
Avant, Town of, Osage County .....	400147	July 7, 1975, Emerg; July 16, 1980, Reg; April 02, 2008, Susp.	.....do .....	Do.
Barnsdall, City of, Osage County .....	400148	July 3, 1975, Emerg; July 16, 1980, Reg; April 02, 2008, Susp.	.....do .....	Do.
Bartlesville, City of, Osage County .....	400220	October 18, 1973, Emerg; July 16, 1980, Reg; April 02, 2008, Susp.	.....do .....	Do.
Hominy, City of, Osage County .....	400151	April 16, 1976, Emerg; November 19, 1980, Reg; April 02, 2008, Susp.	.....do .....	Do.
Pawhuska, City of, Osage County .....	400152	May 6, 1975, Emerg; July 16, 1980, Reg; April 02, 2008, Susp.	.....do .....	Do.
Ponca City, City of, Osage County .....	400080	March 6, 1974, Emerg; July 2, 1980, Reg; April 02, 2008, Susp.	.....do .....	Do.
Sand Springs, City of, Osage County ...	400211	August 5, 1974, Emerg; June 15, 1981, Reg; April 02, 2008, Susp.	.....do .....	Do.
Shidler, City of, Osage County .....	400410	April 11, 1977, Emerg; July 3, 1985, Reg; April 02, 2008, Susp.	.....do .....	Do.
Tulsa, City of, Osage County .....	405381	November 20, 1970, Emerg; August 13, 1971, Reg; April 02, 2008, Susp.	.....do .....	Do.
Texas:				
El Cenizo, City of, Webb County .....	480070	_____, Emerg; June 21, 2007, Reg; April 02, 2008, Susp.	.....do .....	Do.
Laredo, City of, Webb County .....	480651	August 7, 1975, Emerg; May 17, 1982, Reg; April 02, 2008, Susp.	.....do .....	Do.
Rio Bravo, City of, Webb County .....	481684	_____, Emerg; September 15, 1998, Reg; April 02, 2008, Susp.	.....do .....	Do.
Webb County, Unincorporated Areas ...	481059	_____, Emerg; September 8, 1998, Reg; April 02, 2008, Susp.	.....do .....	Do.
<b>Region VII</b>				
Nebraska:				
Curtis, City of, Frontier County .....	310086	September 11, 2006, Emerg;_____, Reg; April 02, 2008, Susp.	.....do .....	Do.
Eustis, Village of, Frontier County .....	310276	October 24, 1988, Emerg; March 1, 1990, Reg; April 02, 2008, Susp.	.....do .....	Do.
Maywood, Village of, Frontier County ...	310085	January 4, 2005, Emerg;_____, Reg; April 02, 2008, Susp.	.....do .....	Do.
<b>Region VIII</b>				
South Dakota:				
Canton, City of, Lincoln County .....	460047	May 1, 1975, Emerg; September 4, 1985, Reg; April 02, 2008, Susp.	.....do .....	Do.
Harrisburg, Town of, Lincoln County .....	460114	May 7, 1997, Emerg; June 8, 1998, Reg; April 02, 2008, 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
Hudson, Town of, Lincoln County .....	460049	September 3, 1975, Emerg; December 18, 1985, Reg; April 02, 2008, Susp.	.....do .....	Do.
Lennox, City of, Lincoln County .....	460192	February 20, 1997, Emerg; June 8, 1998, Reg; April 02, 2008, Susp.	.....do .....	Do.
Lincoln County, Unincorporated Areas	460277	September 27, 1985, Emerg; October 1, 1986, Reg; April 02, 2008, Susp.	.....do .....	Do.
Tea, City of, Lincoln County .....	460143	March 7, 1997, Emerg; April 25, 1997, Reg; April 02, 2008, Susp.	.....do .....	Do.

\*do = Ditto.

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

Dated: March 7, 2008.

**David I. Maurstad,**

*Assistant Administrator for Mitigation,  
Department of Homeland Security, Federal  
Emergency Management Agency.*

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