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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA-8049]

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.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or 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**.

Previously, 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
Region IV				
Mississippi:				
Vicksburg, City of, Warren County	280176	March 28, 1975, Emerg; September 29, 1989, Reg; November 5, 2008, Susp.	11/05/2008	11/05/2008
Warren County, Unincorporated Areas	280198	December 26, 1973, Emerg; November 15, 1979, Reg; November 5, 2008, Susp.	.....do	Do.
North Carolina:				
Cabarrus County, Unincorporated Areas.	370036	July 7, 1975, Emerg; May 5, 1981, Reg; November 5, 2008, Susp.	.....do	Do.
Concord, City of, Cabarrus County	370037	January 16, 1974, Emerg; March 4, 1980, Reg; November 5, 2008, Susp.	.....do	Do.
Harrisburg, Town of, Cabarrus County	370038	June 17, 1975, Emerg; June 30, 1976, Reg; November 5, 2008, Susp.	.....do	Do.
Kannapolis, City of, Cabarrus County ...	370469	-, Emerg; March 25, 1991, Reg; November 5, 2008, Susp.	.....do	Do.
Tennessee:				
Bradford, City of, Gibson County	470057	August 10, 1977, Emerg; February 16, 1983, Reg; November 5, 2008, Susp.	.....do	Do.
Dresden, City of, Weakley County	470240	January 8, 1988, Emerg; February 1, 1990, Reg; November 5, 2008, Susp.	.....do	Do.
Fayette County, Unincorporated Areas	470352	August 19, 1975, Emerg; July 5, 1983, Reg; November 5, 2008, Susp.	.....do	Do.
Gallaway, Town of, Fayette County	470048	January 28, 1976, Emerg; July 5, 1982, Reg; November 5, 2008, Susp.	.....do	Do.
Gibson County, Unincorporated Areas	470359	December 16, 1982, Emerg; October 18, 1983, Reg; November 5, 2008, Susp.	.....do	Do.
Humboldt, City of, Gibson County	470059	April 2, 1975, Emerg; September 15, 1983, Reg; November 5, 2008, Susp.	.....do	Do.
Kenton, Town of, Gibson County	470224	December 2, 1985, Emerg; December 2, 1985, Reg; November 5, 2008, Susp.	.....do	Do.
Martin, City of, Weakley County	470202	January 28, 1975, Emerg; September 15, 1989, Reg; November 5, 2008, Susp.	.....do	Do.
Medina, City of, Gibson County	470251	March 27, 2006, Emerg; -, Reg; November 5, 2008, Susp.	.....do	Do.
Milan, Town of, Gibson County	470060	July 10, 1975, Emerg; February 16, 1983, Reg; November 5, 2008, Susp.	.....do	Do.
Obion, Town of, Obion County	470253	August 11, 1975, Emerg; March 16, 1981, Reg; November 5, 2008, Susp.	.....do	Do.
Obion County, Unincorporated Areas ...	470361	-, Emerg; March 4, 1998, Reg; November 5, 2008, Susp.	.....do	Do.
Piperton, City of, Fayette County	470401	January 27, 1992, Emerg; December 16, 1994, Reg; November 5, 2008, Susp.	.....do	Do.
Rives, City of, Obion County	470235	October 26, 1984, Emerg; September 1, 1987, Reg; November 5, 2008, Susp.	.....do	Do.
Rossville, City of, Fayette County	470050	February 12, 1976, Emerg; June 1, 1981, Reg; November 5, 2008, Susp.	.....do	Do.
Rutherford, Town of, Gibson County	470061	-, Emerg; August 27, 1997, Reg; November 5, 2008, Susp.	.....do	Do.
Somerville, Town of, Fayette County	470051	August 27, 1975, Emerg; July 5, 1982, Reg; November 5, 2008, Susp.	.....do	Do.
South Fulton, City of, Obion County	475446	December 10, 1971, Emerg; June 15, 1973, Reg; November 5, 2008, Susp.	.....do	Do.
Trenton, City of, Gibson County	470062	June 26, 1975, Emerg; February 16, 1983, Reg; November 5, 2008, Susp.	.....do	Do.
Union City, City of, Obion County	470142	October 25, 1974, Emerg; May 5, 1981, Reg; November 5, 2008, Susp.	.....do	Do.
Region V				
Illinois:				
Chester, City of, Randolph County	170576	June 12, 1974, Emerg; November 16, 1983, Reg; November 5, 2008, Susp.	.....do	Do.
Evansville, Village of, Randolph County	170577	June 25, 1975, Emerg; April 15, 1988, Reg; November 5, 2008, Susp.	.....do	Do.
Kaskaskia, Village of, Randolph County	170736	December 27, 1973, Emerg; September 4, 1985, Reg; November 5, 2008, Susp.	.....do	Do.
Randolph County, Unincorporated Areas.	170575	April 1, 1974, Emerg; June 3, 1986, Reg; November 5, 2008, Susp.	.....do	Do.
Sparta, City of, Randolph County	170579	May 28, 1974, Emerg; August 24, 1984, Reg; November 5, 2008, Susp.	.....do	Do.

*-do- = Ditto.

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

Dated: October 28, 2008.

Michael K. Buckley,

Acting Assistant Administrator Mitigation Directorate Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E8-26291 Filed 11-4-08; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA-B-1015]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Assistant Administrator of FEMA reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified 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 modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by the

other Federal, State, or regional entities. The changes BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim 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 interim 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 interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 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.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California: Fresno	Unincorporated areas of Fresno County, (07-09-1791P).	August 26, 2008; September 2, 2008; <i>The Fresno Bee</i> .	The Honorable Henry Perea, Chairman, Fresno County Board of Supervisors, 2281 Tulare Street, Room 300, Fresno, CA 93721.	June 16, 2008	065029.
Sacramento	City of Folsom, (07-09-1657P).	September 17, 2008; September 24, 2008; <i>The Folsom Telegraph</i> .	The Honorable Eric King, Mayor, City of Folsom, 50 Natoma Street, Folsom, CA 95630.	January 15, 2009	060263.
Colorado: Douglas	Unincorporated areas of Douglas County, (08-08-0334P).	September 4, 2008; September 11, 2008; <i>Douglas County News-Press</i> .	The Honorable Melanie A. Worley, Chair, Douglas County Board of Commissioners, 100 Third Street, Castle Rock, CO 80104.	January 9, 2009	080049.