

“major rule” as defined by 5 U.S.C. 804(2). This rule will be effective March 28, 2013.

#### L. Judicial Review

Section 307(b)(1) of the CAA indicates which federal Courts of Appeal have venue for petitions of review of final agency actions by the EPA under the CAA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit (i) when the agency action consists of “nationally applicable regulations promulgated, or final actions taken, by the Administrator,” or (ii) when such action is locally or regionally applicable, if “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.”

This final rule consisting of findings of failure to submit certain of the required infrastructure SIP provisions is “nationally applicable” within the meaning of section 307(b)(1). This rule affects seven states across the country that are located in five of the ten EPA Regions, five different federal circuits, and multiple time zones. In addition, the rule addresses a common core of knowledge and analysis involved in formulating the decision and a common interpretation of the requirements of 40 CFR 51 appendix V applied to determining the completeness of SIPs in states across the country.

This determination is appropriate because in the 1977 CAA Amendments that revised CAA section 307(b)(1), Congress noted that the Administrator’s determination that an action is of “nationwide scope or effect” would be appropriate for any action that has “scope or effect beyond a single judicial circuit.” H.R. Rep. No. 95–294 at 323–324, reprinted in 1977 U.S.C.A.N. 1402–03. Here, the scope and effect of this action extends to the five judicial circuits that include the states across the country affected by this action. In these circumstances, section 307(b)(1) and its legislative history authorize the Administrator to find the rule to be of “nationwide scope or effect” and thus to indicate that venue for challenges lies in the D.C. Circuit. Accordingly, the EPA is determining that this is a rule of nationwide scope or effect. Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit within 60 days from the date final action is published in the **Federal Register**. Filing a petition for review by the Administrator of this final action

does not affect the finality of the action for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of such rule or action. Thus, any petitions for review of this action must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date this final action is published in the **Federal Register**.

#### List of Subjects in 40 CFR Part 52

Approval and promulgation of implementation plans, Environmental protection, Administrative practice and procedures, Air pollution control, Incorporation by reference, Intergovernmental relations, and Reporting and recordkeeping requirements.

Dated: February 15, 2013.

**Gina McCarthy**,

*Assistant Administrator, Office of Air and Radiation.*

[FR Doc. 2013–04293 Filed 2–25–13; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA–2012–0003; Internal Agency Docket No. FEMA–8271]

#### 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. Also, information identifying the current participation status of a community can be obtained from FEMA’s Community Status Book

(CSB). The CSB is available at <http://www.fema.gov/fema/csb.shtm>.

**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, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures 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 the sale of NFIP flood insurance 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. We recognize that 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 to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. 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 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

FIRM for 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 procedures 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, Section 1315, 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 I</b>				
New Hampshire:				
Albany, Town of, Carroll County .....	330174	May 17, 1993, Emerg; March 1, 1995, Reg; March 19, 2013, Susp.	March 19, 2013	March 19, 2013
Bartlett, Town of, Carroll County .....	330010	April 21, 1976, Emerg; May 1, 1979, Reg; March 19, 2013, Susp.	.....do .....	Do.*
Brookfield, Town of, Carroll County .....	330179	April 22, 1976, Emerg; May 17, 1977, Reg; March 19, 2013, Susp.	.....do .....	Do.
Conway, Town of, Carroll County .....	330011	December 2, 1974, Emerg; April 16, 1979, Reg; March 19, 2013, Susp.	.....do .....	Do.
Effingham, Town of, Carroll County .....	330012	July 9, 2008, Emerg; August 1, 2009, Reg; March 19, 2013, Susp.	.....do .....	Do.
Freedom, Town of, Carroll County .....	330013	August 20, 1992, Emerg; December 1, 1992, Reg; March 19, 2013, Susp.	.....do .....	Do.
Hart's Location, Town of, Carroll County.	330213	May 30, 1996, Emerg; March 2, 1998, Reg; March 19, 2013, Susp.	.....do .....	Do.
Jackson, Town of, Carroll County .....	330014	August 21, 1975, Emerg; July 2, 1979, Reg; March 19, 2013, Susp.	.....do .....	Do.
Madison, Town of, Carroll County .....	330220	May 19, 2005, Emerg; August 1, 2005, Reg; March 19, 2013, Susp.	.....do .....	Do.
Moultonborough, Town of, Carroll County.	330015	April 8, 1999, Emerg; March 1, 2000, Reg; March 19, 2013, Susp.	.....do .....	Do.
Ossipee, Town of, Carroll County .....	330016	April 30, 1975, Emerg; June 17, 1991, Reg; March 19, 2013, Susp.	.....do .....	Do.
Sandwich, Town of, Carroll County .....	330017	November 3, 1975, Emerg; July 17, 1986, Reg; March 19, 2013, Susp.	.....do .....	Do.
Tamworth, Town of, Carroll County .....	330018	July 21, 1976, Emerg; July 16, 1991, Reg; March 19, 2013, Susp.	.....do .....	Do.
Tuftonboro, Town of, Carroll County .....	330234	June 15, 1976, Emerg; May 4, 1989, Reg; March 19, 2013, Susp.	.....do .....	Do.
Wakefield, Town of, Carroll County .....	330019	November 22, 1976, Emerg; June 17, 1991, Reg; March 19, 2013, Susp.	.....do .....	Do.
Wolfeboro, Town of, Carroll County .....	330239	November 26, 1976, Emerg; May 17, 1989, Reg; March 19, 2013, 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
<b>Region III</b>				
West Virginia: Mineral County, Unincorporated Areas.	540129	December 30, 1975, Emerg; September 27, 1991, Reg; March 19, 2013, Susp.	.....do .....	Do.
<b>Region IV</b>				
Kentucky:				
Cadiz, City of, Trigg County .....	210354	December 15, 1997, Emerg; July 1, 2001, Reg; March 19, 2013, Susp.	.....do .....	Do.
Trigg County, Unincorporated Areas .....	210315	December 15, 1997, Emerg; July 1, 2001, Reg; March 19, 2013, Susp.	.....do .....	Do.
<b>Region VI</b>				
Louisiana:				
Benton, Town of, Bossier County .....	220032	September 10, 1975, Emerg; July 26, 1977, Reg; March 19, 2013, Susp.	.....do .....	Do.
Bossier City, City of, Bossier County ....	220033	June 26, 1974, Emerg; April 4, 1983, Reg; March 19, 2013, Susp.	.....do .....	Do.
Bossier Parish, Unincorporated Areas ..	220031	February 14, 1975, Emerg; April 18, 1983, Reg; March 19, 2013, Susp.	.....do .....	Do.
<b>Region VIII</b>				
Montana:				
Belt, Town of, Cascade County .....	300009	May 13, 1975, Emerg; December 5, 1979, Reg; March 19, 2013, Susp.	.....do .....	Do.
Cascade County, Unincorporated Areas	300008	May 22, 1975, Emerg; April 15, 1980, Reg; March 19, 2013, Susp.	.....do .....	Do.
Great Falls, City of, Cascade County ...	300010	May 19, 1972, Emerg; September 30, 1977, Reg; March 19, 2013, Susp.	.....do .....	Do.
Neihart, Town of, Cascade County .....	300183	May 6, 1997, Emerg; N/A, Reg; March 19, 2013, Susp.	.....do .....	Do.

\*-do- =Ditto.

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

Dated: January 30, 2013.

**David L. Miller,**

*Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2013-04326 Filed 2-25-13; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 00-167; FCC 04-221]

**Broadcast Services; Children's Television; Cable Operators**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** This document announces the effective date of rules published in the **Federal Register** on January 3, 2005. The final rules revised the obligation of television broadcasters to protect and serve children in their audience.

**DATES:** The amendment to 47 CFR 73.3526(e)(11)(iii) published in the

**Federal Register** at 70 FR 25, January 3, 2005, is effective February 26, 2013.

**FOR FURTHER INFORMATION CONTACT:** For additional information contact John Norton, 202-418-2120, Media Bureau, Policy Division.

**SUPPLEMENTARY INFORMATION:** In a Third Report and Order in Report and Order in MM Docket No. 00-167, FCC 04-103, published in the **Federal Register**, 70 FR 25, January 3, 2005, the Commission adopted rules which contained information collection requirements subject to the Paperwork Reduction Act. The document stated that the rule changes requiring OMB approval would become effective after OMB approval and announcement in the **Federal Register**. On June 23, 2006, the Office of Management and Budget (OMB) approved the information collection requirements contained in 47 CFR 73.3526(e)(11)(iii). The information collection is assigned to OMB Control No. 3060-0754.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

[FR Doc. 2013-03931 Filed 2-25-13; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 73 and 76**

[MM Docket No. 00-10; FCC 01-123 and MM Docket No. 93-215; FCC 95-502]

**Establishment of Class A TV Service and Cable Television Rate Regulation; Cost of Service Rules—Clarification Regarding Information Collection Requirements**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; clarification and announcement of effective dates.

**SUMMARY:** The Federal Communications Commission published requirements related to Establishment of Class A TV Service and Cable Television Rate Regulation; Cost of Service Rules, which were determined to contain information collection requirements that were subject to OMB review. After further review, we have found OMB approval is not required. This document intends to provide clarification that these rules are effective and that it has been determined that these provisions are not subject to OMB review.