

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
White Hall, City of, Jefferson County ....	050375	August 11, 1975, Emerg; September 16, 1988, Reg; Date of publication in the <b>Federal Register</b> , Susp.	.....do .....	Do.

\* do=Ditto.

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

Dated: March 11, 2009.

**Michael K. Buckley,**

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

[FR Doc. E9–6671 Filed 3–24–09; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–8061]

#### 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 from the NFIP 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, FEMA is suspending these communities from the NFIP on the effective date identified in the third column of the chart below. 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. FEMA will publish in the **Federal Register** a notice withdrawing the suspension of those communities that submit the required documentation before the applicable suspension date(s).

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 IV</b>				
Alabama:				
Monroe County, Unincorporated Areas	010325	December 21, 1978, Emerg; June 4, 1990, Reg; March 25, 2009, Susp.	Feb. 04, 2009 ...	Mar. 25, 2009.
Monroeville, City of, Monroe County .....	010173	July 2, 1975, Emerg; March 18, 1985, Reg; March 25, 2009, Susp.	.....*do .....	Do.
Florida:				
Chattahoochee, City of, Gadsden County.	120092	June 21, 1974, Emerg; September 4, 1987, Reg; March 25, 2009, Susp.	.....do .....	Do.
Columbia County, Unincorporated Areas.	120070	December 16, 1975, Emerg; January 6, 1988, Reg; March 25, 2009, Susp.	.....do .....	Do.
Gadsden County, Unincorporated Areas	120091	July 10, 1975, Emerg; May 2, 1991, Reg; March 25, 2009, Susp.	.....do .....	Do.
Havana, Town of, Gadsden County .....	120411	June 12, 1979, Emerg; June 17, 1986, Reg; March 25, 2009, Susp.	.....do .....	Do.
Lake Butler, City of, Union County .....	120595	March 24, 1978, Emerg; July 3, 1986, Reg; March 25, 2009, Susp.	.....do .....	Do.
Lake City, City of, Columbia County .....	120406	October 2, 1975, Emerg; January 6, 1988, Reg; March 25, 2009, Susp.	.....do .....	Do.
Quincy, City of, Gadsden County .....	120093	July 11, 1975, Emerg; February 1, 1987, Reg; March 25, 2009, Susp.	.....do .....	Do.
Union County, Unincorporated Areas ...	120422	August 22, 1979, Emerg; August 4, 1988, Reg; March 25, 2009, Susp.	.....do .....	Do.
Worthington Springs, City of, Union County.	120594	May 29, 1980, Emerg; June 3, 1986, Reg; March 25, 2009, Susp.	.....do .....	Do.
North Carolina:				
Aulander, City of, Bertie County .....	370018	June 27, 2000, Emerg; — Reg; March 25, 2009, Susp.	.....do .....	Do.
Avery County, Unincorporated Areas ....	370010	February 12, 1976, Emerg; September 28, 1990, Reg; March 25, 2009, Susp.	.....do .....	Do.
Bakersville, Town of, Mitchell County ...	370162	October 16, 1979, Emerg; May 1, 1987, Reg; March 25, 2009, Susp.	.....do .....	Do.
Bertie County, Unincorporated Areas ...	370290	December 4, 1985, Emerg; December 4, 1985, Reg; March 25, 2009, Susp.	.....do .....	Do.
Chowan County, Unincorporated Areas	370301	August 25, 1977, Emerg; July 3, 1985, Reg; March 25, 2009, Susp.	.....do .....	Do.
Conway, Town of, Northampton County	370174	June 10, 1975, Emerg; August 1, 1987, Reg; March 25, 2009, Susp.	.....do .....	Do.
Gaston, Town of, Northampton County	370413	January 9, 1980, Emerg; — Reg; March 25, 2009, Susp.	.....do .....	Do.
Jackson, Town of, Northampton County	370175	March 29, 1976, Emerg; July 2, 1987, Reg; March 25, 2009, Susp.	.....do .....	Do.
Lasker, Town of, Northampton County	370580	February 10, 2006, Emerg; — Reg; March 25, 2009, Susp.	.....do .....	Do.
McDowell County, Unincorporated Areas.	370148	January 23, 1974, Emerg; July 15, 1988, Reg; March 25, 2009, Susp.	.....do .....	Do.
Mitchell County, Unincorporated Areas	370161	July 18, 1979, Emerg; September 4, 1986, Reg; March 25, 2009, Susp.	.....do .....	Do.
Northampton County, Unincorporated Areas.	370173	July 24, 1975, Emerg; November 4, 1988, Reg; March 25, 2009, Susp.	.....do .....	Do.
Roxobel, Town of, Bertie County .....	370605	November 26, 2002, Emerg; — Reg; March 25, 2009, Susp.	.....do .....	Do.
Severn, Town of, Northampton County	370422	February 13, 1984, Emerg; February 1, 1987, Reg; March 25, 2009, Susp.	.....do .....	Do.
Spruce Pine, Town of, Mitchell County	370163	July 7, 1975, Emerg; September 2, 1988, Reg; March 25, 2009, Susp.	.....do .....	Do.
Windsor, Town of, Bertie County .....	370019	March 14, 1974, Emerg; July 18, 1977, Reg; March 25, 2009, Susp.	.....do .....	Do.

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Woodland, Town of, Northampton County.	370177	March 27, 1979, Emerg; March 1, 1987, Reg; March 25, 2009, Susp.	.....do .....	Do.
South Carolina: James Island, Town of, Charleston County	450263	June 30, 1970, Emerg; April 23, 1971, Reg; March 25, 2009, Susp.	.....do.	
Tennessee:				
Jasper, Town of, Marion County .....	475429	July 30, 1971, Emerg; February 26, 1972, Reg; March 25, 2009, Susp.	.....do .....	Do.
Kimball, Town of, Marion County .....	470116	July 1, 1975, Emerg; May 19, 1987, Reg; March 25, 2009, Susp.	.....do .....	Do.
Marion County, Unincorporated Areas ..	470114	October 23, 1973, Emerg; May 15, 1980, Reg; March 25, 2009, Susp.	.....do .....	Do.
New Hope, City of, Marion County .....	470377	October 5, 1981, Emerg; September 27, 1985, Reg; March 25, 2009, Susp.	.....do .....	Do.
South Pittsburg, City of, Marion County	475447	July 9, 1971, Emerg; April 14, 1972, Reg; March 25, 2009, Susp.	.....do .....	Do.
<b>Region V</b>				
Illinois:				
Joliet, City of, Kendall County .....	170702	April 13, 1973, Emerg; February 4, 1981, Reg; March 25, 2009, Susp.	.....do .....	Do.
Kendall County, Unincorporated Areas	170341	July 5, 1973, Emerg; July 19, 1982, Reg; March 25, 2009, Susp.	.....do .....	Do.
Lisbon, Village of, Kendall County .....	170342	June 11, 1982, Emerg; June 11, 1982, Reg; March 25, 2009, Susp.	.....do .....	Do.
Millbrook, Village of, Kendall County ....	171193	— Emerg; — Reg; March 25, 2009, Susp.	.....do .....	Do.
Millington, Village of, Kendall County ....	170343	May 28, 1975, Emerg; June 1, 1982, Reg; March 25, 2009, Susp.	.....do .....	Do.
Minooka, Village of, Kendall County ....	171019	— Emerg; March 12, 1992, Reg; March 25, 2009, Susp.	.....do .....	Do.
Newark, Village of, Kendall County .....	170344	April 28, 1975, Emerg; June 1, 1982, Reg; March 25, 2009, Susp.	.....do .....	Do.
Oswego, Village of, Kendall County .....	170345	April 16, 1975, Emerg; June 1, 1982, Reg; March 25, 2009, Susp.	.....do .....	Do.
Plainfield, Village of, Kendall County ....	170771	May 21, 1975, Emerg; November 17, 1982, Reg; March 25, 2009, Susp.	.....do .....	Do.
Plano, City of, Kendall County .....	170346	March 7, 1975, Emerg; September 30, 1976, Reg; March 25, 2009, Susp.	.....do .....	Do.
Wisconsin:				
Appleton, City of, Calumet County .....	555542	April 23, 1971, Emerg; April 6, 1973, Reg; March 25, 2009, Susp.	.....do .....	Do.
Brillion, City of, Calumet County .....	550036	April 22, 1975, Emerg; June 15, 1981, Reg; March 25, 2009, Susp.	.....do .....	Do.
Calumet County, Unincorporated Areas	550035	November 26, 1976, Emerg; May 3, 1982, Reg; March 25, 2009, Susp.	.....do .....	Do.
Chilton, City of, Calumet County .....	550037	June 11, 1975, Emerg; March 16, 1981, Reg; March 25, 2009, Susp.	.....do .....	Do.
Kiel, City of, Calumet County .....	550239	July 10, 1975, Emerg; January 3, 1985, Reg; March 25, 2009, Susp.	.....do .....	Do.
Menasha, City of, Calumet County .....	550510	April 25, 1973, Emerg; April 3, 1978, Reg; March 25, 2009, Susp.	.....do .....	Do.
New Holstein, City of, Calumet County	550039	October 16, 1974, Emerg; July 2, 1981, Reg; March 25, 2009, Susp.	.....do .....	Do.
Potter, Village of, Calumet County .....	550609	— Emerg; July 30, 1996, Reg; March 25, 2009, Susp.	.....do .....	Do.
Stockbridge, Village of, Calumet County	550040	August 25, 1975, Emerg; May 3, 1982, Reg; March 25, 2009, Susp.	.....do .....	Do.
<b>Region VII</b>				
Nebraska:				
McCook, City of, Red Willow County ....	310181	February 6, 1978, Emerg; May 2, 1983, Reg; March 25, 2009, Susp.	.....do .....	Do.
Red Willow County, Unincorporated Areas.	310469	June 18, 1984, Emerg; May 1, 1988, Reg; March 25, 2009, Susp.	.....do .....	Do.

\* do = Ditto.

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

Dated: January 15, 2009.

**Michael K. Buckley,**

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

[FR Doc. E9-6587 Filed 3-24-09; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8065]

#### 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 from the NFIP 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, FEMA is suspending these communities from the NFIP on the effective date identified in the third column of the chart below. 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. FEMA will publish in the **Federal Register** a notice withdrawing the suspension of those communities that submit the required documentation before the applicable suspension date(s).

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: