

Inert ingredients					Limits	Uses
*	*	*	*	*	*	*
<p>■ 3. In § 180.930, the table is amended by revising the following inert ingredient to read as follows:</p> <p><b>§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.</b></p> <p>* * * *</p>						
Inert ingredients					Limits	Uses
*	*	*	*	*	*	*
N,N-Bis- $\alpha$ -ethyl- $\omega$ -hydroxypoly(oxy-1,2-ethanediyl) C8–C18 saturated and unsaturated alkylamines; the poly(oxy-1,2-ethanediyl) content is 2–60 moles (CAS Reg. Nos. 10213–78–2, 25307–17–9, 26635–92–7, 26635–93–8, 288259–52–9, 58253–49–9, 61790–82–7, 61791–14–8, 61791–24–0, 61791–26–2, 61791–31–9, 61791–44–4, 68155–33–9, 68155–39–5, 68155–40–8, 70955–14–5, 73246–96–5, 1266162–49–5).					Not to exceed 25% in herbicide formulations and 10% in insecticide and fungicide formulations.	Surfactants, related adjuvants of surfactants
*	*	*	*	*	*	*

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**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 64**

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–8093]

**Suspension of Community Eligibility****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Final rule.

**SUMMARY:** FEMA has scheduled one community for suspension because of its failure to adopt compliant floodplain management regulations under the National Flood Insurance Program (NFIP). If documentation is received from the community before the effective suspension date, indicating it has brought its floodplain management program into compliance with the NFIP requirements, FEMA will withdraw the suspension.

**DATES:** *Effective Dates:* The effective date of the community's scheduled suspension is the date listed in the fourth column of the following table.

**FOR FURTHER INFORMATION CONTACT:** David Stearrett, Federal Insurance and Mitigation Administration, 1800 South Bell Street Arlington, VA 20598–3072, (202) 646–2953.

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP) enables property owners to

purchase flood insurance that is generally not otherwise available. In return, communities agree to adopt and implement local floodplain management regulations that contribute to protecting lives and reducing the risk of property damage from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body adopts adequate floodplain management measures with effective administration and enforcement processes.

The community listed in this notice currently has floodplain management regulations that are scheduled to lapse October 31, 2012. If the regulations lapse as scheduled, the community will no longer meet the NFIP requirements set forth at 44 CFR Part 59 *et seq.* Under 44 CFR 59.24(d), a community will be suspended from the NFIP for repealing its floodplain management regulations, allowing its regulations to lapse or amending its regulations so that they no longer meet the minimum requirements. Accordingly, FEMA is suspending the City of Philadelphia, Philadelphia County, Pennsylvania (“the City”) on the effective date in the fourth column of the table. As of that date, the purchase of new flood insurance policies or the renewal of existing flood insurance policies under the NFIP will no longer be available.

FEMA will not suspend the City; however, if the community submits the documentation required by 44 CFR 59.24(d) to show that it has corrected the deficiencies and remedied the

violations identified in the Suspension letter to the maximum extent possible. This documentation must be received by FEMA before the actual suspension date. If the City successfully demonstrates its compliance with NFIP regulations, FEMA will continue its eligibility for the sale of NFIP insurance. In the interim, if you wish to determine whether FEMA has suspended the City on the suspension date, please contact the FEMA Region III office at (215) 931–5532. Additional information may also be found at <http://www.fema.gov/plan/prevent/floodplain/nfipkeywords/suspension.shtm>.

FEMA identified the special flood hazard areas (SFHAs) in this community by publishing a Flood Insurance Rate Map. The effective date of this map is indicated in the last column of the table. By law, no Federally regulated entity may provide financial assistance for acquisition or construction purposes for property located in a SFHA unless the community in which the property is located is participating in the NFIP (42 U.S.C. 4106(a)). The prohibition against certain types of Federal disaster assistance also becomes effective for the City on the date shown in the fourth column (42 U.S.C. 4106(b)).

The Administrator finds that notice and public comment procedure under 5 U.S.C. 553(b) is impracticable and unnecessary because the community listed in this final rule has been adequately notified. The community received a Letter from FEMA Region III Administrator on March 2, 2012, advising the City it must submit compliant ordinance by May 31, 2012. The city submitted its ordinance; however, it has a sunset clause dated for

October 31, 2012. The City must produce adopted, compliant and signed floodplain management regulations without a sunset clause before the scheduled suspension date, November 1, 2012.

FEMA addressed these notifications to the Mayor of the City Council indicating that we will suspend the City unless the City takes the required corrective actions before the scheduled suspension date. Because we have made these notifications, this final rule may take effect immediately on November 1, 2012.

**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 community listed no longer complies with the statutory requirements, and after the effective date, flood insurance will no longer be available in the community 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	Location	Community No.	Date certain Federal assistance no longer available in special flood hazard area and the sale of flood insurance no longer available in the community	Current effective map date
<b>Region III</b>				
Pennsylvania .....	Philadelphia, City of, Philadelphia County.	420757	November 1, 2012 .....	January 17, 2007.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: September 27, 2012.

**David L. Miller,**

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

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## FEDERAL MARITIME COMMISSION

### 46 CFR Part 502

[Docket No. 11-05]

RIN 3072-AC43

### Commission's Rules of Practice and Procedure

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Maritime Commission revises its rules of practice and procedure to update and clarify the rules and to reduce the burden on parties to proceedings before the Commission. The Commission also amends the regulation with respect to its former employees to reflect changes

in a relevant statute and the regulation for filing of documents containing confidential materials.

**DATES:** Effective: November 12, 2012.

#### FOR FURTHER INFORMATION CONTACT:

Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001, Phone: (202) 523-5725, Email: [secretary@fmc.gov](mailto:secretary@fmc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On March 1, 2012, the Federal Maritime Commission (Commission) published a Notice of Proposed Rulemaking in the **Federal Register** proposing to revise Subparts E and L of the Commission's Rules of Practice and Procedure. 77 FR 12528. The Notice was in continuance of the Commission's efforts to modernize its rules for proceedings before the Commission and to reduce the burden on parties to proceedings before the Commission.

##### II. Comments

Two comments were received by the Commission from Winston & Strawn (Winston) and Cozen O'Connor (Cozen), law firms that have practiced before the Commission for many years. The

Commission has reviewed these comments and adopts some recommendations.

#### Winston & Strawn's Comments

Winston opposes reduction of the time limit for replies to non-dispositive motions from 14 days to 7 days stating that it is "unnecessary, unfair and unduly burdensome" on attorneys who handle many cases and travel as part of their practice. Winston believes that it will do little to shorten the duration of cases and there is no evidence that the present period is responsible for any material delay in Commission proceedings. Winston also opposes the proposed 30 and 15 page limits for dispositive motions and replies, respectively, on the ground that such limits will severely restrict the ability of parties to make their case, particularly those involving complex issues. Winston suggests that no page limits be imposed on non-dispositive motions and that the same limit as exceptions, i.e., 50 pages, be imposed for dispositive motions. Winston also opposes the proposed limits on discovery, arguing such a limit would reduce access to evidence. Winston believes that the proposed limits of 20 depositions and 50 interrogatories are "woefully