

Dated: July 8, 2013.

David L. Miller,

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

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2013-0002; Internal Agency Docket No. FEMA-8289]

#### 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>				
Connecticut:				
East Lyme, Town of, New London County.	090096	October 23, 1973, Emerg; June 15, 1981, Reg; August 5, 2013, Susp.	Aug. 5, 2013 .....	Aug. 5, 2013.
Groton, City of, New London County ....	090126	September 18, 1973, Emerg; May 15, 1980, Reg; August 5, 2013, Susp.	.....do* .....	Do.
Groton, Town of, New London County	090097	February 18, 1972, Emerg; April 15, 1977, Reg; August 5, 2013, Susp.	.....do .....	Do.
Groton Long Point Association, New London County.	090167	August 20, 1974, Emerg; March 18, 1980, Reg; August 5, 2013, Susp.	.....do .....	Do.
New London, City of, New London County.	090100	March 24, 1972, Emerg; May 2, 1977, Reg; August 5, 2013, Susp.	.....do .....	Do.
Noank Fire District, New London County.	090129	September 25, 1973, Emerg; September 17, 1980, Reg; August 5, 2013, Susp.	.....do .....	Do.
Old Lyme, Town of, New London County.	090103	April 10, 1973, Emerg; July 16, 1980, Reg; August 5, 2013, Susp.	.....do .....	Do.
Stonington, Borough of, New London County.	090193	May 4, 1976, Emerg; November 1, 1979, Reg; August 5, 2013, Susp.	.....do .....	Do.
Stonington, Town of, New London County.	090106	May 28, 1975, Emerg; September 30, 1980, Reg; August 5, 2013, Susp.	.....do .....	Do.
Waterford, Town of, New London County.	090107	August 23, 1974, Emerg; February 4, 1981, Reg; August 5, 2013, Susp.	.....do .....	Do.
<b>Region III</b>				
Maryland:				
Easton, Town of, Talbot County .....	240067	October 9, 1974, Emerg; September 28, 1984, Reg; August 5, 2013, Susp.	.....do .....	Do.
Oxford, Town of, Talbot County .....	240068	March 27, 1974, Emerg; September 28, 1984, Reg; August 5, 2013, Susp.	.....do .....	Do.
Saint Michaels, Town of, Talbot County	240069	February 7, 1975, Emerg; November 1, 1984, Reg; August 5, 2013, Susp.	.....do .....	Do.
Talbot County, Unincorporated Areas ...	240066	September 6, 1974, Emerg; May 15, 1985, Reg; August 5, 2013, Susp.	.....do .....	Do.
Trappe, Town of, Talbot County .....	240108	N/A, Emerg; August 15, 2006, Reg; August 5, 2013, Susp.	.....do .....	Do.
<b>Region IV</b>				
Georgia:				
Bloomington, City of, Chatham County	130452	October 6, 1975, Emerg; July 2, 1981, Reg; August 5, 2013, Susp.	.....do .....	Do.
Chatham County, Unincorporated Areas	130030	September 18, 1970, Emerg; August 1, 1980, Reg; August 5, 2013, Susp.	.....do .....	Do.
Garden City, City of, Chatham County	135161	October 8, 1971, Emerg; March 16, 1973, Reg; August 5, 2013, Susp.	.....do .....	Do.
Pooler, City of, Chatham County .....	130261	November 27, 1974, Emerg; September 30, 1981, Reg; August 5, 2013, Susp.	.....do .....	Do.
Port Wentworth, City of, Chatham County.	135162	June 4, 1971, Emerg; March 16, 1973, Reg; August 5, 2013, Susp.	.....do .....	Do.
Savannah, City of, Chatham County .....	135163	September 18, 1970, Emerg; May 21, 1971, Reg; August 5, 2013, Susp.	.....do .....	Do.
Kentucky:				
Ashland, City of, Boyd County .....	210017	March 19, 1975, Emerg; September 29, 1978, Reg; August 5, 2013, Susp.	.....do .....	Do.
Boyd County, Unincorporated Areas .....	210016	December 12, 1975, Emerg; December 2, 1980, Reg; August 5, 2013, Susp.	.....do .....	Do.
Catlettsburg, City of, Boyd County .....	210018	August 21, 1975, Emerg; January 3, 1979, Reg; August 5, 2013, Susp.	.....do .....	Do.
Tennessee:				
Farragut, Town of, Knox County .....	470387	August 14, 1970, Emerg; July 23, 1971, Reg; August 5, 2013, Susp.	.....do .....	Do.
Knox County, Unincorporated Areas. ....	475433	August 14, 1970, Emerg; July 23, 1971, Reg; August 5, 2013, Susp.	.....do .....	Do.
Knoxville, City of, Knox County .....	475434	August 14, 1970, Emerg; April 30, 1971, Reg; August 5, 2013, Susp.	.....do .....	Do.

\* -do- = Ditto.

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

Dated: July 8, 2013.

David L. Miller,

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

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[WC Docket No. 07-38; GN Docket Nos. 09-47 and 09-51, FCC 10-71]

### Broadband Data Improvement Act; Eligible Entities Aggregate Form 477 Data

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission adopts rules interpreting and implementing sections of the Broadband Data Improvement Act (BDIA). These rules will facilitate the broadband mapping and other projects that eligible entities are undertaking under the BDIA to improve available data on broadband deployment and adoption.

**DATES:** Effective August 28, 2013.

**FOR FURTHER INFORMATION CONTACT:** Suzanne Yelen, Assistant Division Chief, at 202-418-0626, Industry Analysis and Technology Division, Wireline Competition Bureau.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Eligible Entities Aggregate Form 477 Data Order (Order) in WC Docket No. 07-38; GN Docket Nos. 09-47 and 09-51; FCC 10-71, released on April 26, 2010. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street SW., Washington, DC 20554, and may also be purchased from the Commission's copy contractor, BCPI, Inc., Portals II, 445 12th Street SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI, Inc. via their Web site, <http://www.bcpi.com>, or call 1-800-378-3160. This document is available in alternative formats (computer diskette, large print, audio record, and Braille). Persons with disabilities who need documents in these formats may contact the FCC by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

### Synopsis of Order

1. Form 477 Data Collection. Since May 2000, the Commission has collected information from facilities-based providers of broadband connections on a semi-annual basis using Form 477. The Commission revised the Form 477 data collection program in 2008, and wireline and terrestrial-fixed wireless broadband service providers must now report, by Census Tract, the number of broadband subscribers, broken down by technology; more disaggregated speed tiers; and percentage of subscribers that are residential. Incumbent LECs must continue to report the percentage of their service areas to which DSL connections are available to residential end-user premises, and cable system operators must do the same with regard to cable modem service availability. Providers of terrestrial mobile wireless (TMW) broadband services must continue to submit their broadband subscriber totals on a state-by-state basis, rather than at the Census-Tract level, and must report the Census Tracts that "best represent" their broadband service footprint for each speed tier in which they offer service. The Commission also collects local telephone competition data from wireline and wireless providers.

2. The Commission also sought comment in 2008 on further revising several aspects of its Form 477 collection, including whether and how to institute a nationwide broadband availability mapping program. Of relevance for the issues here, the Commission sought comment "on ways in which we can preserve confidentiality when sharing the information collected on Form 477, the voluntary registry, and other sources with agencies such as the Department of Agriculture's Rural Utilities Service and with public-private partnerships such as ConnectKentucky and similar ventures, for example by sharing the data in a less granular or aggregated form than the level at which it is collected."

3. Form 477 Confidentiality. Due to the unique nature of this data collection, the Commission allows filers to request confidential treatment for competitively sensitive information by making a selection on the cover page of Form 477 without filing at that point the detailed confidentiality justification otherwise required by our rules. In establishing this framework, the Commission announced its intention not to reveal individual-provider data in published reports. At present, the Commission publishes aggregate Form 477 data in its Internet Access Services Report

(formerly the High Speed Services report) and Broadband Progress Report (formerly the Section 706 report). In making the Form 477 data publicly available, the Commission has had a longstanding policy of "releasing only aggregated information about broadband deployment . . . to protect against release of company-specific information directly or indirectly." Both in the reports and the accompanying statistical summaries, the Commission has used "statistical methods, such as suppression and aggregation" to prevent the release of company-specific information.

4. The Commission has not made any formal findings about which data elements constitute competitively sensitive information and has never ruled on any requests for confidentiality. The Wireline Competition Bureau (WCB) has invoked FOIA Exemption 4 to protect against disclosure of filers' Zip-Code and other data in response to requests for that information under FOIA. In the one case where the Bureau's denial of access to Form 477 data was appealed, the federal district court affirmed the Commission's decision not to release Zip-Code data.

5. State Commission Access to Raw Form 477 Data. In establishing the Form 477 data collection, the Commission created a limited exception to its general policy of releasing only aggregated and redacted Form 477 data. Specifically, it established a mechanism to allow state public utility commissions to view all disaggregated state-specific data, provided that the state commission has appropriate confidentiality protections in place (which may include confidentiality agreements or designation of information as proprietary under state law). Where the relevant state law affords less protection than federal FOIA law, the state must agree to comply with the higher federal standard as a precondition to the data release. The Commission has delegated to the Chief of the WCB authority to release the information where these conditions are satisfied.

6. Broadband Data Improvement Act. On October 10, 2008, Congress passed the Broadband Data Improvement Act (BDIA), Broadband Data Improvement Act of 2008, Pub. L. No. 110-385, 122 Stat. 4097 (codified at 47 U.S.C. 1301-04), which provides for improved federal data on the deployment and adoption of broadband services. Section 106(h)(1) of the BDIA, entitled "Access to Aggregate Data," provides that, "[s]ubject to paragraph (2), the Commission shall provide eligible entities access, in electronic form, to aggregate data collected by the