

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Description	FY 2007 LTCH Cases	Relative Weight	Geo-metric Average Length of Stay	Short-Stay Outlier (SSO) Threshold
982	981	Extensive O.R. procedure unrelated to principal diagnosis w CC	293	1.4598	35.5	29.6
983	981	Extensive O.R. procedure unrelated to principal diagnosis w/o CC/MCC	26	1.1497	31.9	26.6
984	984	Prostatic O.R. procedure unrelated to principal diagnosis w MCC	16	1.2440	31.4	26.2
985	984	Prostatic O.R. procedure unrelated to principal diagnosis w CC	9	1.2440	31.4	26.2
986	984	Prostatic O.R. procedure unrelated to principal diagnosis w/o CC/MCC	0	1.2440	31.4	26.2
987	987	Non-extensive O.R. proc unrelated to principal diagnosis w MCC	423	1.7625	36.7	30.6
988	987	Non-extensive O.R. proc unrelated to principal diagnosis w CC	219	1.1474	33.9	28.3
989	987	Non-extensive O.R. proc unrelated to principal diagnosis w/o CC/MCC	10	0.8491	25.2	21.0
998	998	Ungroupable	0	0.0000	0.0	0.0
999	999	Principal diagnosis invalid as discharge diagnosis	0	0.0000	0.0	0.0

[FR Doc. E9-12911 Filed 5-29-09; 4:15 pm]

BILLING CODE 4120-01-C

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8077]

#### 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**.

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 III</b>				
Virginia:				
Crewe, Town of, Nottoway County .....	510264	April 16, 1998, Emerg; —, Reg; June 2, 2009, Susp.	June 2, 2009 ....	June 2, 2009
Nottoway County, Unincorporated Areas.	510307	May 7, 1975, Emerg; September 1, 1987, Reg; June 2, 2009, Susp.	.....*do .....	Do.
<b>Region IV</b>				
Florida:				
Bay County, Unincorporated Areas .....	120004	May 12, 1975, Emerg; July 2, 1981, Reg; June 2, 2009, Susp.	.....do .....	Do.
Callaway, City of, Bay County .....	120005	January 13, 1975, Emerg; July 16, 1980, Reg; June 2, 2009, Susp.	.....do .....	Do.
Cedar Grove, Town of, Bay County .....	120006	May 16, 1975, Emerg; January 25, 1980, Reg; June 2, 2009, Susp.	.....do .....	Do.
Lynn Haven, City of, Bay County .....	120009	September 6, 1974, Emerg; June 1, 1977, Reg; June 2, 2009, Susp.	.....do .....	Do.
Mexico Beach, Town of, Bay County ....	120010	September 18, 1970, Emerg; July 18, 1977, Reg; June 2, 2009, Susp.	.....do .....	Do.
Panama City, City of, Bay County .....	120012	September 6, 1974, Emerg; July 18, 1977, Reg; June 2, 2009, Susp.	.....do .....	Do.
Panama City Beach, City of, Bay County.	120013	December 17, 1971, Emerg; June 1, 1977, Reg; June 2, 2009, Susp.	.....do .....	Do.
Parker, City of, Bay County .....	120011	May 5, 1975, Emerg; August 1, 1980, Reg; June 2, 2009, Susp.	.....do .....	Do.
Springfield, City of, Bay County .....	120014	May 1, 1975, Emerg; August 17, 1981, Reg; June 2, 2009, Susp.	.....do .....	Do.
Georgia:				
Clarkeville, City of, Habersham County	130103	April 2, 1976, Emerg; February 17, 1988, Reg; June 2, 2009, Susp.	.....do .....	Do.
Cornelia, City of, Habersham County ...	130329	August 30, 1976, Emerg; August 1, 1986, Reg; June 2, 2009, Susp.	.....do .....	Do.
Habersham County, Unincorporated Areas.	130458	September 23, 1976, Emerg; April 2, 1991, Reg; June 2, 2009, Susp.	.....do .....	Do.
Tallulah Falls, Town of, Habersham County.	130380	December 29, 1980, Emerg; August 13, 1982, Reg; June 2, 2009, Susp.	.....do .....	Do.
North Carolina:				
Burnsville, Town of, Yancey County ....	370373	July 24, 1975, Emerg; April 17, 1984, Reg; June 2, 2009, Susp.	.....do .....	Do.
Hot Springs, Town of, Madison County	370153	November 17, 1977, Emerg; July 5, 1982, Reg; June 2, 2009, Susp.	.....do .....	Do.
Madison County, Unincorporated Areas	370152	November 26, 1973, Emerg; September 2, 1982, Reg; June 2, 2009, Susp.	.....do .....	Do.
Mars Hill, Town of, Madison County ....	370385	October 4, 1979, Emerg; August 19, 1987, Reg; June 2, 2009, 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
Marshall, Town of, Madison County .....	370154	November 23, 1973, Emerg; May 15, 1978, Reg; June 2, 2009, Susp.	.....do .....	Do.
Yancey County, Unincorporated Areas	370261	March 29, 1978, Emerg; April 17, 1984, Reg; June 2, 2009, Susp.	.....do .....	Do.
Ohio:				
Cardington, Village of, Morrow County	390652	June 13, 1975, Emerg; November 2, 1984, Reg; June 2, 2009, Susp.	.....do .....	Do.
Morrow County, Unincorporated Areas	390868	July 23, 1987, Emerg; April 1, 1992, Reg; June 2, 2009, Susp.	.....do .....	Do.
Mt. Gilead, Village of, Morrow County ..	390424	April 29, 1975, Emerg; August 19, 1987, Reg; June 2, 2009, Susp.	.....do .....	Do.
Wisconsin:				
Fort Atkinson, City of, Jefferson County	555554	November 13, 1970, Emerg; August 6, 1971, Reg; June 2, 2009, Susp.	.....do .....	Do.
Jefferson, City of, Jefferson County .....	555561	April 23, 1971, Emerg; May 26, 1972, Reg; June 2, 2009, Susp.	.....do .....	Do.
Jefferson County, Unincorporated Areas.	550191	April 2, 1971, Emerg; September 29, 1978, Reg; June 2, 2009, Susp.	.....do .....	Do.
Johnson Creek, Village of, Jefferson County.	550194	February 13, 1976, Emerg; September 30, 1982, Reg; June 2, 2009, Susp.	.....do .....	Do.
Lac La Belle, Village of, Jefferson County.	550565	May 25, 1976, Emerg; January 18, 1984, Reg; June 2, 2009, Susp.	.....do .....	Do.
Lake Mills, City of, Jefferson County ....	550195	September 10, 1975, Emerg; July 2, 1987, Reg; June 2, 2009, Susp.	.....do .....	Do.
Palmyra, Village of, Jefferson County ...	550196	May 13, 1975, Emerg; May 3, 1990, Reg; June 2, 2009, Susp.	.....do .....	Do.
Sullivan, Village of, Jefferson County ...	550197	July 10, 1975, Emerg; September 18, 1985, Reg; June 2, 2009, Susp.	.....do .....	Do.
Waterloo, City of, Jefferson County .....	550198	July 25, 1975, Emerg; September 18, 1985, Reg; June 2, 2009, Susp.	.....do .....	Do.
Waterloo, City of, Dodge County .....	550107	May 23, 1975, Emerg; April 1, 1981, Reg; June 2, 2009, Susp.	.....do .....	Do.
Whitewater, City of, Jefferson County ...	550200	March 27, 1975, Emerg; June 1, 1982, Reg; June 2, 2009, Susp.	.....do .....	Do.
<b>Region VI</b>				
Texas:				
Allen, City of, Collin County .....	480131	July 15, 1975, Emerg; June 1, 1978, Reg; June 2, 2009, Susp.	.....do .....	Do.
Carrollton, City of, Collin County .....	480167	May 27, 1975, Emerg; July 16, 1980, Reg; June 2, 2009, Susp.	.....do .....	Do.
Celina, City of, Collin County .....	480133	May 27, 1975, Emerg; November 1, 1979, Reg; June 2, 2009, Susp.	.....do .....	Do.
Collin County, Unincorporated Areas ....	480130	June 16, 1981, Emerg; June 16, 1981, Reg; June 2, 2009, Susp.	.....do .....	Do.
Fairview, Town of, Collin County .....	481069	January 18, 1977, Emerg; November 1, 1979, Reg; June 2, 2009, Susp.	.....do .....	Do.
Frisco, City of, Collin County .....	480134	October 7, 1975, Emerg; June 18, 1980, Reg; June 2, 2009, Susp.	.....do .....	Do.
Lavon, Town of, Collin County .....	481313	NA, Emerg; May 13, 1991, Reg; June 2, 2009, Susp.	.....do .....	Do.
Lucas, City of, Collin County .....	481545	July 3, 1979, Emerg; July 3, 1979, Reg; June 2, 2009, Susp.	.....do .....	Do.
McKinney, City of, Collin County .....	480135	April 9, 1975, Emerg; June 18, 1980, Reg; June 2, 2009, Susp.	.....do .....	Do.
Murphy, City of, Collin County .....	480137	August 7, 1975, Emerg; April 1, 1980, Reg; June 2, 2009, Susp.	.....do .....	Do.
New Hope, City of, Collin County .....	480138	NA, Emerg; April 19, 1996, Reg; June 2, 2009, Susp.	.....do .....	Do.
Parker, City of, Collin County .....	480139	May 26, 1977, Emerg; August 15, 1979, Reg; June 2, 2009, Susp.	.....do .....	Do.
Plano, City of, Collin County .....	480140	July 19, 1974, Emerg; January 2, 1980, Reg; June 2, 2009, Susp.	.....do .....	Do.
Prosper, City of, Collin County .....	480141	December 2, 1980, Emerg; May 4, 1982, Reg; June 2, 2009, Susp.	.....do .....	Do.
Richardson, City of, Collin County .....	480184	February 20, 1975, Emerg; December 4, 1979, Reg; June 2, 2009, Susp.	.....do .....	Do.
Sachse, City of, Collin County .....	480186	July 25, 1975, Emerg; September 1, 1978, Reg; June 2, 2009, Susp.	.....do .....	Do.
Van Alstyne, Town of, Collin County ....	481620	NA, Emerg; November 11, 1994, Reg; June 2, 2009, 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
Westminster, Town of, Collin County ....	480758	NA, Emerg; May 10, 1993, Reg; June 2, 2009, Susp.	.....do .....	Do.
<b>Region VII</b>				
Kansas:				
Andover, City of, Butler County .....	200383	February 7, 1977, Emerg; December 4, 1986, Reg; June 2, 2009, Susp.	.....do .....	Do.
Augusta, City of, Butler County .....	200038	June 25, 1975, Emerg; August 15, 1980, Reg; June 2, 2009, Susp.	.....do .....	Do.
Butler County, Unincorporated Areas ...	200037	June 23, 1975, Emerg; March 2, 1981, Reg; June 2, 2009, Susp.	.....do .....	Do.
Douglass, City of, Butler County .....	200489	August 21, 2003, Emerg; September 1, 2004, Reg; June 2, 2009, Susp.	.....do .....	Do.
Rose Hill, City of, Butler County .....	200454	April 20, 1976, Emerg; August 24, 1981, Reg; June 2, 2009, Susp.	.....do .....	Do.
Missouri:				
Benton County, Unincorporated Areas	290027	September 24, 1986, Emerg; March 1, 1987, Reg; June 2, 2009, Susp.	.....do .....	Do.
Warsaw, City of, Benton County .....	290030	August 25, 1975, Emerg; August 4, 1987, Reg; June 2, 2009, Susp.	.....do .....	Do.
<b>Region VIII</b>				
South Dakota:				
Beadle County, Unincorporated Areas ..	460251	May 11, 1995, Emerg; October 1, 1997, Reg; June 2, 2009, Susp.	.....do .....	Do.
Cavour, Town of, Beadle County .....	461212	March 14, 1997, Emerg; June 8, 1998, Reg; June 2, 2009, Susp.	.....do .....	Do.
Huron, City of, Beadle County .....	460003	May 24, 1974, Emerg; July 16, 1987, Reg; June 2, 2009, Susp.	.....do .....	Do.

\*do = Ditto.

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

Dated: May 22, 2009.

**Deborah Ingram,**

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

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**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND  
SECURITY**

**Federal Emergency Management  
Agency**

**44 CFR Part 65**

[Docket ID FEMA-2008-0020]

**Changes in Flood Elevation  
Determinations**

**AGENCY:** Federal Emergency  
Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

**DATES:** The effective dates for these modified BFEs are indicated on the

following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

**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 Federal Emergency Management Agency (FEMA) makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of FEMA resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection.

The modified BFEs are made pursuant to section 206 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 other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood