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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-8079]

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
Region II				
New Jersey:				
Clementon, Borough of, Camden County.	340130	January 30, 1975, Emerg; October 21, 1983, Reg; June 16, 2009, Susp.	June 16, 2009 ..	June 16, 2009
Gloucester, Township of, Camden County.	340133	July 24, 1975, Emerg; December 1, 1982, Reg; June 16, 2009, Susp.	.....do*	Do.
Laurel Springs, Borough of, Camden County.	340547	March 23, 1976, Emerg; May 13, 1977, Reg; June 16, 2009, Susp.	.....do	Do.
Lindenwold, Borough of, Camden County.	340137	January 12, 1976, Emerg; September 17, 1980, Reg; June 16, 2009, Susp.	.....do	Do.
Pine Hill, Borough of, Camden County	340143	March 11, 1975, Emerg; February 24, 1978, Reg; June 16, 2009, Susp.	.....do	Do.
Stratford, Borough of, Camden County	340146	March 21, 1975, Emerg; September 17, 1980, Reg; June 16, 2009, Susp.	.....do	Do.
Region III				
Pennsylvania:				
Blain, Borough of, Perry County	420748	October 14, 1975, Emerg; June 24, 1977, Reg; June 16, 2009, Susp.	.....do	Do.
Bloomfield, Borough of, Perry County ...	420748	February 22, 1974, Emerg; March 1, 1978, Reg; June 16, 2009, Susp.	.....do	Do.
Buffalo, Township of, Perry County	421948	March 27, 1975, Emerg; August 15, 1980, Reg; June 16, 2009, Susp.	.....do	Do.
Carroll, Township of, Perry County	421949	February 18, 1976, Emerg; Reg; June 16, 2009, Susp.	.....do	Do.
Centre, Township of, Perry County	422498	August 12, 1975, Emerg; June 1, 1981, Reg; June 16, 2009, Susp.	.....do	Do.
Duncannon, Borough of, Perry County	420749	January 20, 1975, Emerg; December 18, 1979, Reg; June 16, 2009, Susp.	.....do	Do.
Greenwood, Township of, Perry County	421950	August 12, 1975, Emerg; May 19, 1981, Reg; June 16, 2009, Susp.	.....do	Do.
Howe, Township of, Perry County	421145	April 4, 1974, Emerg; August 15, 1979, Reg; June 16, 2009, Susp.	.....do	Do.
Jackson, Township of, Perry County	421952	January 28, 1976, Emerg; October 15, 1985, Reg; June 16, 2009, Susp.	.....do	Do.
Juniata, Township of, Perry County	421140	March 16, 1974, Emerg; May 1, 1978, Reg; June 16, 2009, Susp.	.....do	Do.
Liverpool, Borough of, Perry County	420750	March 20, 1974, Emerg; August 15, 1979, Reg; June 16, 2009, Susp.	.....do	Do.
Liverpool, Township of, Perry County ...	421953	February 5, 1975, Emerg; June 18, 1980, Reg; June 16, 2009, Susp.	.....do	Do.
Marysville, Borough of, Perry County ...	420751	February 9, 1973, Emerg; May 16, 1977, Reg; June 16, 2009, Susp.	.....do	Do.
Miller, Township of, Perry County	421954	March 21, 1977, Emerg; April 15, 1981, Reg; June 16, 2009, Susp.	.....do	Do.
Millerstown, Borough of, Perry County	420752	November 17, 1975, Emerg; May 19, 1981, Reg; June 16, 2009, Susp.	.....do	Do.
New Buffalo, Borough of, Perry County	420753	February 5, 1975, Emerg; April 2, 1979, Reg; June 16, 2009, Susp.	.....do	Do.
Newport, Borough of, Perry County	420754	March 2, 1973, Emerg; August 15, 1979, Reg; June 16, 2009, Susp.	.....do	Do.
Northeast Madison, Township of, Perry County.	421955	September 12, 1975, Emerg; September 4, 1985, Reg; June 16, 2009, Susp.	.....do	Do.
Oliver, Township of, Perry County	421022	November 12, 1973, Emerg; August 15, 1979, Reg; June 16, 2009, Susp.	.....do	Do.
Penn, Township of, Perry County	420755	July 5, 1973, Emerg; February 18, 1981, Reg; June 16, 2009, Susp.	.....do	Do.
Rye, Township of, Perry County	421028	October 5, 1973, Emerg; August 15, 1979, Reg; June 16, 2009, Susp.	.....do	Do.
Saville, Township of, Perry County	421956	July 23, 1975, Emerg; March 4, 1988, Reg; June 16, 2009, Susp.	.....do	Do.
Southwest Madison, Township of, Perry County.	421957	July 2, 1975, Emerg; August 19, 1985, Reg; June 16, 2009, Susp.	.....do	Do.
Spring, Township of, Perry County	421958	September 10, 1975, Emerg; November 12, 1982, Reg; June 16, 2009, Susp.	.....do	Do.
Toboyne, Township of, Perry County	421959	September 8, 1981, Emerg; September 4, 1985, Reg; June 16, 2009, Susp.	.....do	Do.
Tuscarora, Township of, Perry County	421960	April 14, 1976, Emerg; November 19, 1982, Reg; June 16, 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
Tyrone, Township of, Perry County	421961	February 22, 1977, Emerg; March 4, 1988, Reg; June 16, 2009, Susp.	.....do	Do.
Watts, Township of, Perry County	420756	May 24, 1973, Emerg; August 15, 1979, Reg; June 16, 2009, Susp.	.....do	Do.
Wheatfield, Township of, Perry County	421035	October 29, 1971, Emerg; December 18, 1979, Reg; June 16, 2009, Susp.	.....do	Do.
Virginia:				
Cumberland County, Unincorporated Areas.	510043	March 12, 1974, Emerg; February 15, 1979, Reg; June 16, 2009, Susp.	.....do	Do.
King and Queen County, Unincorporated Areas.	510082	June 20, 1974, Emerg; September 5, 1990, Reg; June 16, 2009, Susp.	.....do	Do.
York County, Unincorporated Areas	510182	October 5, 1973, Emerg; December 16, 1988, Reg; June 16, 2009, Susp.	.....do	Do.
Region IV				
Alabama:				
Millbrook, City of, Autauga County	010370	October 18, 1979, Emerg; August 15, 1984, Reg; June 16, 2009, Susp.	.....do	Do.
Prattville, City of, Autauga County	010002	June 18, 1974, Emerg; August 15, 1978, Reg; June 16, 2009, Susp.	.....do	Do.
Kentucky: Crittenden County, Unincorporated Areas.	210254	October 7, 1997, Emerg; April 1, 1999, Reg; June 16, 2009, Susp.	.....do	Do.
Mississippi:				
Biloxi, City of, Harrison County	285252	June 30, 1970, Emerg; September 11, 1970, Reg; June 16, 2009, Susp.	.....do	Do.
D'iberville, City of, Harrison County	280336	November 14, 1988, Emerg; November 14, 1988, Reg; June 16, 2009, Susp.	.....do	Do.
Gulfport, City of, Harrison County	285253	May 29, 1970, Emerg; September 11, 1970, Reg; June 16, 2009, Susp.	.....do	Do.
Harrison County, Unincorporated Areas	285255	July 17, 1970, Emerg; June 15, 1978, Reg; June 16, 2009, Susp.	.....do	Do.
Long Beach, City of, Harrison County ..	285257	June 19, 1970, Emerg; September 11, 1970, Reg; June 16, 2009, Susp.	.....do	Do.
Pass Christian, City of, Harrison County	285261	May 26, 1970, Emerg; May 26, 1970, Reg; June 16, 2009, Susp.	.....do	Do.
North Carolina:				
China Grove, Town of, Rowan County	370210	December 21, 1978, Emerg; December 21, 1978, Reg; June 16, 2009, Susp.	.....do	Do.
East Spencer, Town of, Rowan County	370211	March 31, 1975, Emerg; July 3, 1978, Reg; June 16, 2009, Susp.	.....do	Do.
Faith, Town of, Rowan County	370352	NA, Emerg; November 26, 2002, Reg; June 16, 2009, Susp.	.....do	Do.
Granite Quarry, Town of, Rowan County.	370212	May 1, 1975, Emerg; September 15, 1978, Reg; June 16, 2009, Susp.	.....do	Do.
Landis, Town of, Rowan County	370213	March 31, 1975, Emerg; July 3, 1978, Reg; June 16, 2009, Susp.	.....do	Do.
Rockwell, Town of, Rowan County	370214	May 13, 1975, Emerg; May 15, 1978, Reg; June 16, 2009, Susp.	.....do	Do.
Rowan County, Unincorporated Areas ..	370351	August 23, 1976, Emerg; November 1, 1979, Reg; June 16, 2009, Susp.	.....do	Do.
Salisbury, City of, Rowan County	370215	July 23, 1974, Emerg; May 15, 1980, Reg; June 16, 2009, Susp.	.....do	Do.
Spencer, Town of, Rowan County	370216	April 7, 1975, Emerg; September 29, 1978, Reg; June 16, 2009, Susp.	.....do	Do.
Tennessee: Mountain City, City of, Johnson County.	470275	May 8, 1975, Emerg; August 5, 1986, Reg; June 16, 2009, Susp.	.....do	Do.
Region V				
Ohio:				
Aquilla, Village of, Geauga County	390739	May 3, 1976, Emerg; December 7, 1984, Reg; June 16, 2009, Susp.	.....do	Do.
Chardon, City of, Geauga County	390191	June 25, 1975, Emerg; January 4, 1985, Reg; June 16, 2009, Susp.	.....do	Do.
Gauga County, Unincorporated Areas	390190	February 18, 1977, Emerg; November 4, 1988, Reg; June 16, 2009, Susp.	.....do	Do.
Middlefield, Village of, Geauga County	390192	March 10, 1975, Emerg; September 30, 1988, Reg; June 16, 2009, Susp.	.....do	Do.
South Russell, Village of, Geauga County.	390740	July 2, 1976, Emerg; —, Reg; June 16, 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
Region VI				
Arkansas:				
Marmaduke, City of, Greene County	050346	April 7, 1976, Emerg; June 1, 1987, Reg; June 16, 2009, Susp.	.....do	Do.
Paragould, City of, Greene County	050085	June 27, 1973, Emerg; June 15, 1978, Reg; June 16, 2009, Susp.	.....do	Do.
Sedgwick, City of, Greene County	050576	February 1, 1988, Emerg; —, Reg; June 16, 2009, Susp.	.....do	Do.
Region IX				
California:				
Antioch, City of, Contra Costa County ..	060026	May 1, 1975, Emerg; December 2, 1980, Reg; June 16, 2009, Susp.	.....do	Do.
Corcoran, City of, Kings County	060663	NA , Emerg; November 28, 1997, Reg; June 16, 2009, Susp.	.....do	Do.
Dinuba, City of, Tulare County	060403	June 26, 1975, Emerg; November 3, 1982, Reg; June 16, 2009, Susp.	.....do	Do.
El Cerrito, City of, Contra Costa County	065027	March 5, 1971, Emerg; June 1, 1977, Reg; June 16, 2009, Susp.	.....do	Do.
Hercules, City of, Contra Costa County	060434	July 25, 1975, Emerg; September 30, 1982, Reg; June 16, 2009, Susp.	.....do	Do.
Pleasant Hill, City of, Contra Costa County.	060034	March 19, 1971, Emerg; September 30, 1983, Reg; June 16, 2009, Susp.	.....do	Do.
Region X				
Idaho:				
Cambridge, City of, Washington County	160199	August 27, 1976, Emerg; February 19, 1987, Reg; June 16, 2009, Susp.	.....do	Do.
Midvale, City of, Washington County	160123	May 7, 1975, Emerg; February 19, 1987, Reg; June 16, 2009, Susp.	.....do	Do.
Washington County, Unincorporated Areas.	160221	February 2, 1976, Emerg; February 19, 1987, Reg; June 16, 2009, Susp.	.....do	Do.
Weiser, City of, Washington County	160124	December 4, 1974, Emerg; February 19, 1987, Reg; June 16, 2009, Susp.	.....do	Do.

* do=Ditto.

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

Dated: June 8, 2009.

Edward L. Connor,

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

[FR Doc. E9–14271 Filed 6–16–09; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1055]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the

Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Assistant Administrator of FEMA reconsider the changes. The modified BFEs may be changed during the 90-day period.

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 modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 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.