

J. Plain Writing Act of 2010

Under Public Law 111–274 (October 13, 2010), executive Departments and Agencies are required to use plain language in documents that explain to the public how to comply with a requirement the Federal Government administers or enforces. HHS has attempted to use plain language in promulgating the final rule consistent with the Federal Plain Writing Act guidelines. HHS did not receive any public comments on this matter.

V. Final Rule

List of Subjects in 42 CFR Part 84

Occupational safety and health, Personal protective equipment, Respirators.

Text of the Rule

For the reasons discussed in the preamble, the Department of Health and Human Services amends 42 CFR part 84 as follows:

PART 84—APPROVAL OF RESPIRATORY PROTECTIVE DEVICES

■ 1. The authority citation for part 84 continues to read as follows:

Authority: 29 U.S.C. 577a, 651 *et seq.*, and 657(g); 30 U.S.C. 3, 5, 7, 811, 842(h), 844.

■ 2. In § 84.83, revise paragraph (f) to read as follows:

§ 84.83 Timers; elapsed time indicators; remaining service life indicators; minimum requirements.

* * * * *

(f) Each remaining service-life indicator or warning device must give an alarm when the remaining service life is reduced to a minimum of 25 percent of its rated service time or any higher minimum percent value or values as specified in the approval. Open-circuit demand and pressure-demand respirators must alarm continuously until depletion of the breathing air supply. The percent value set for indicator activation must be identified by labels and/or markings on each respirator unit.

Dated: December 28, 2012.

Kathleen Sebelius,
Secretary.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2012–0003; Internal Agency Docket No. FEMA–8265]

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: 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: 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
Region I				
Connecticut:				
Clinton, Town of, Middlesex County	090061	March 2, 1973, Emerg; September 30, 1980, Reg; February 6, 2013, Susp.	Feb. 6, 2013	Feb. 6, 2013.
Essex, Town of, Middlesex County	090065	February 9, 1973, Emerg; July 16, 1980, Reg; February 6, 2013, Susp.	.....do*	Do.
Fenwick, Borough of, Middlesex County	090187	July 10, 1979, Emerg; July 10, 1979, Reg; February 6, 2013, Susp.	.....do	Do.
Killingworth, Town of, Middlesex County	090174	July 15, 1975, Emerg; March 15, 1982, Reg; February 6, 2013, Susp.	.....do	Do.
Old Saybrook, Town of, Middlesex County.	090069	March 31, 1972, Emerg; July 3, 1978, Reg; February 6, 2013, Susp.	.....do	Do.
Westbrook, Town of, Middlesex County	090070	March 9, 1973, Emerg; December 1, 1982, Reg; February 6, 2013, Susp.	.....do	Do.
Region III				
West Virginia:				
Clay County, Unincorporated Areas.	540022	July 24, 1975, Emerg; March 18, 1991, Reg; February 6, 2013, Susp.	.....do	Do.
Clay, Town of, Clay County	540023	March 25, 1975, Emerg; March 18, 1991, Reg; February 6, 2013, Susp.	.....do	Do.
Region IV				
Georgia:				
Grantville, City of, Coweta County	130443	N/A, Emerg; June 26, 2006, Reg; February 6, 2013, Susp.	.....do	Do.
Moreland, Town of, Coweta County	130300	December 16, 1976, Emerg; September 27, 1985, Reg; February 6, 2013, Susp.	.....do	Do.
Newnan, City of, Coweta County	130062	May 12, 1975, Emerg; November 15, 1978, Reg; February 6, 2013, Susp.	.....do	Do.
Senoia, City of, Coweta County	130301	December 15, 1986, Emerg; July 1, 1987, Reg; February 6, 2013, Susp.	.....do	Do.
Turin, Town of, Coweta County	130475	N/A, Emerg; June 26, 2006, Reg; February 6, 2013, Susp.	.....do	Do.
South Carolina:				
Darlington, City of, Darlington County ...	450061	April 29, 1975, Emerg; July 1, 1991, Reg; February 6, 2013, Susp.	.....do	Do.
Darlington County, Unincorporated Areas.	450060	May 15, 1989, Emerg; June 3, 1991, Reg; February 6, 2013, Susp.	.....do	Do.
Hartsville, City of, Darlington County	450062	June 20, 1975, Emerg; September 1, 1987, Reg; February 6, 2013, Susp.	.....do	Do.
Lamar, Town of, Darlington County	450063	June 16, 1995, Emerg; February 1, 2002, Reg; February 6, 2013, Susp.	.....do	Do.
Tennessee:				
Arlington, Township of, Shelby County	470262	September 10, 1981, Emerg; September 10, 1981, Reg; February 6, 2013, Susp.	.....do	Do.
Bartlett, City of, Shelby County	470175	December 28, 1973, Emerg; June 15, 1981, Reg; February 6, 2013, Susp.	.....do	Do.
Collierville, Town of, Shelby County	470263	September 29, 1975, Emerg; September 30, 1981, Reg; February 6, 2013, 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
Germantown, City of, Shelby County	470353	October 1, 1975, Emerg; January 20, 1982, Reg; February 6, 2013, Susp.	.....do	Do.
Lakeland, City of, Shelby County	470402	N/A, Emerg; June 20, 2002, Reg; February 6, 2013, Susp.	.....do	Do.
Memphis, City of, Shelby County	470177	August 23, 1974, Emerg; December 1, 1982, Reg; February 6, 2013, Susp.	.....do	Do.
Millington, City of, Shelby County	470178	November 1, 1974, Emerg; March 16, 1981, Reg; February 6, 2013, Susp.	.....do	Do.
Shelby County, Unincorporated Areas ..	470214	May 15, 1974, Emerg; December 1, 1982, Reg; February 6, 2013, Susp.	.....do	Do.
Region V				
Indiana:				
Attica, City of, Fountain County	180065	July 28, 1975, Emerg; September 1, 1988, Reg; February 6, 2013, Susp.	.....do	Do.
Covington, City of, Fountain County	180066	July 1, 1975, Emerg; September 1, 1988, Reg; February 6, 2013, Susp.	.....do	Do.
Fountain County, Unincorporated Areas	180064	December 21, 1978, Emerg; November 1, 2001, Reg; February 6, 2013, Susp.	.....do	Do.
Hillsboro, Town of, Fountain County	180328	June 29, 1976, Emerg; June 8, 1984, Reg; February 6, 2013, Susp.	.....do	Do.
Region VII				
Iowa:				
McIntire, City of, Mitchell County	190458	December 8, 2000, Emerg; May 1, 2011, Reg; February 6, 2013, Susp.	.....do	Do.
Mitchell County, Unincorporated Areas	190892	January 8, 1999, Emerg; March 1, 2000, Reg; February 6, 2013, Susp.	.....do	Do.
Stacyville, City of, Mitchell County	190461	February 18, 2011, Emerg; N/A, Reg; February 6, 2013, Susp.	.....do	Do.
Region VIII				
Colorado:				
Berthoud, Town of, Larimer County	080296	October 28, 1977, Emerg; May 26, 1978, Reg; February 6, 2013, Susp.	.....do	Do.
Larimer County, Unincorporated Areas	080101	July 2, 1974, Emerg; April 2, 1979, Reg; February 6, 2013, Susp.	.....do	Do.
Loveland, City of, Larimer County	080103	September 18, 1975, Emerg; September 1, 1978, Reg; February 6, 2013, Susp.	.....do	Do.
Montana:				
Lake County, Unincorporated Areas	300155	April 19, 1978, Emerg; December 17, 1987, Reg; February 6, 2013, Susp.	.....do	Do.
Polson, City of, Lake County	300119	N/A, Emerg; January 15, 1999, Reg; February 6, 2013, Susp.	.....do	Do.
Ronan, City of, Lake County	300122	May 16, 1986, Emerg; December 17, 1987, Reg; February 6, 2013, Susp.	.....do	Do.
Saint Ignatius, Town of, Lake County ...	300123	N/A, Emerg; May 8, 1997, Reg; February 6, 2013, Susp.	.....do	Do.

* -do- =Ditto.

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

Dated: January 2, 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-2012-0003; Internal Agency Docket No. FEMA-8263]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood

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