

### *National Technology Transfer and Advancement Act*

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

### *Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 31, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

### **List of Subjects in 40 CFR Part 62**

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: October 19, 2001.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*

Part 62, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

### **PART 62—[AMENDED]**

1. The authority citation for part 62 continues to read as follows:

**Authority:** 62 U.S.C. 7401–7671q.

### **Subpart BBB—Puerto Rico**

2. Part 62 is amended by adding new § 62.13105 and an undesignated heading to subpart BBB to read as follows:

Air Emissions From Existing Small Municipal Waste Combustion Units With The Capacity To Combust At Least 35 Tons Per Day But No More Than 250 Tons Per Day Of Municipal Solid Waste

Or Refuse Derived Fuel and Constructed on or Before August 30, 1999.

### **§ 62.13105 Identification of plan—negative declaration.**

Letter from the Puerto Rico Environmental Quality Board, submitted August 2, 2001, certifying that there are no existing small municipal waste combustion units in the Commonwealth of Puerto Rico subject to part 60, subpart BBBB of this chapter.

[FR Doc. 01–27283 Filed 10–29–01; 8:45 am]

**BILLING CODE 6560–50–P**

## **FEDERAL EMERGENCY MANAGEMENT AGENCY**

### **44 CFR Part 64**

**[Docket No. FEMA–7771]**

### **Suspension of Community Eligibility**

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

**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 suspended 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 be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Edward Pasterick, Division Director, Program Marketing and Partnership Division, Federal Insurance Administration and Mitigation Directorate, 500 C Street, SW., Room 411, Washington, DC 20472, (202) 646–3098.

**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 National Flood Insurance Program, 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 *et seq.* 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, the Federal Emergency Management Agency has identified the special flood hazard areas 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 the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency'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 Associate Director 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 a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to

the effective suspension date. Since these notifications have been 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 Associate Director 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 they take remedial action.

#### 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.

#### 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.*

#### Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

#### Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

#### 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 special flood hazard areas
<b>Region I</b>				
Maine:				
Dixfield, Town of, Oxford County .....	230092	June 23, 1975, Emerg.; March 4, 1985, Reg. November 7, 2001.	November 11, 2001	November 21, 2001.
Greenville, Town of, Piscataquis County.	230409	July 17, 1975, Emerg.; March 4, 1987, Reg. November 7, 2001.	.....do .....	Do.
Kingfield, Town of, Franklin County	230058	August 21, 1975, Emerg.; June 5, 1989, Reg. November 7, 2001.	.....do .....	Do.
<b>Region II</b>				
New York:				
Larchmont, Village of, Westchester County.	360915	February 4, 1972, Emerg.; September 1, 1977, Reg. November 7, 2001.	.....do .....	Do.
Utica, City of, Oneida County .....	360558	October 2, 1974, Emerg.; February 1, 1984, Reg. November 7, 2001.	.....do .....	Do.
<b>Region III</b>				
Pennsylvania:				
Alburtis, Borough of, Lehigh County	420584	August 7, 1975, Emerg.; December 15, 1978, Reg. November 7, 2001.	.....do .....	Do.
Allentown, City of, Lehigh County ....	420585	October 15, 1971, Emerg.; June 1, 1982, Reg. November 7, 2001.	.....do .....	Do.
Catasauqua, Borough of, Lehigh County.	420586	December 3, 1971, Emerg.; November 1, 1979, Reg. November 7, 2001.	.....do .....	Do.
Coopersburg, Borough of, Lehigh County.	420587	January 12, 1977, Emerg.; July 30, 1982, Reg. November 7, 2001.	.....do .....	Do.
Coplay, Borough of, Lehigh County	421807	October 14, 1975, Emerg.; June 25, 1976, Reg. November 7, 2001.	.....do .....	Do.
Emmaus, Borough of, Lehigh County.	420588	July 26, 1973, Emerg.; September 1, 1977, Reg. November 7, 2001.	.....do .....	Do.
Fountain Hill, Borough of, Lehigh County.	421808	July 31, 1975, Emerg.; May 15, 1986, Reg. November 7, 2001.	.....do .....	Do.
Hanover, Township of, Lehigh County.	422261	July 2, 1974, Emerg.; January 6, 1982, Reg. November 7, 2001.	.....do .....	Do.
Heidelberg, Township of, Lehigh, County.	421809	February 21, 1975, Emerg.; June 15, 1981, Reg. November 7, 2001.	.....do .....	Do.
Lower Macungie, Township of, Lehigh County.	420589	September 29, 1972, Emerg.; February 2, 1977, Reg. November 7, 2001.	.....do .....	Do.
Lower Milford, Township of, Lehigh County.	421039	February 1, 1974, Emerg.; April 17, 1978, Reg. November 7, 2001.	.....do .....	Do.
Lowhill, Township of, Lehigh County	421811	March 1, 1977, Emerg.; October 15, 1985, Reg. November 7, 2001.	.....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 special flood hazard areas
Lynn, Township of, Lehigh County ..	421812	July 21, 1976, Emerg.; September 30, 1987, Reg. November 7, 2001.	.....do .....	Do.
Macungie, Borough of, Lehigh County.	420590	April 18, 1974, Emerg.; April 15, 1980, Reg. November 7, 2001.	.....do .....	Do.
North Whitehall, Township of, Lehigh County.	421813	July 26, 1974, Emerg.; September 30, 1981, Reg. November 7, 2001.	.....do .....	Do.
Salisbury, Township of, Lehigh County.	420591	April 22, 1975, Emerg.; September 24, 1984, Reg. November 7, 2001.	.....do .....	Do.
Slatington, Borough of, Lehigh County.	420592	June 4, 1975, Emerg.; March 16, 1981, Reg. November 7, 2001.	.....do .....	Do.
South Whitehall, Township of, Lehigh County.	420593	January 26, 1973, Emerg.; February 1, 1978, Reg. November 7, 2001.	.....do .....	Do.
Upper Macungie, Township of, Lehigh County.	421044	February 12, 1974, Emerg.; April 2, 1979, Reg. November 7, 2001.	.....do .....	Do.
Upper Milford, Township of, Lehigh County.	421815	October 10, 1974, Emerg.; May 19, 1981, Reg. November 7, 2001.	.....do .....	Do.
Upper Saucon, Township of, Lehigh County.	420594	February 25, 1972, Emerg.; July 15, 1977, Reg. November 7, 2001.	.....do .....	Do.
Washington, Township of, Lehigh County.	421816	August 21, 1974, Emerg.; April 15, 1981, Reg. November 7, 2001.	.....do .....	Do.
Weisenberg, Township of, Lehigh County.	421817	February 3, 1976, Emerg.; October 15, 1985, Reg. November 7, 2001.	.....do .....	Do.
Whitehall, Township of, Lehigh County.	420595	April 30, 1974, Emerg.; October 28, 1977, Reg. November 7, 2001.	.....do .....	Do.
<b>Region IV</b>				
Edisto Beach, Town of, Colleton County.	455414	March 19, 1971, Emerg.; April 9, 1971, Reg. November 7, 2001.	.....do .....	Do.
Walterboro, City of, Colleton County	450058	April 2, 1975, Emerg.; April 17, 1987, Reg. November 7, 2001.	.....do .....	Do.
Williams, Town of, Colleton County	450059	February 3, 1976, Emerg.; July 17, 1986, Reg. November 7, 2001.	.....do .....	Do.
<b>Region VI</b>				
Texas:				
Fort Bend County, Unincorporated Areas.	480228	March 19, 1987, Reg.; November 7, 2001.	.....do .....	Do.
Wharton County, Unincorporated Areas.	480652	February 27, 1987, Reg.; November 7, 2001.	.....do .....	Do.
<b>Region VII</b>				
Kansas:				
Baldwin, City of, Douglas County ....	200088	June 23, 1975, Emerg.; January 2, 1980, Reg. November 7, 2001.	.....do .....	Do.
Douglas County, Unincorporated Areas.	200087	May 30, 1975, Emerg.; March 2, 1981, Reg. November 7, 2001.	.....do .....	Do.
Eudora, City of, Douglas County .....	200089	June 12, 1975, Emerg.; January 16, 1981, Reg. November 7, 2001.	.....do .....	Do.
Lawrence, City of, Douglas County	200090	June 15, 1973, Emerg.; March 2, 1981, Reg. November 7, 2001.	.....do .....	Do.
Lecompton, City of, Douglas County	200091	July 2, 1975, Emerg.; March 15, 1979, November 7, 2001.	.....do .....	Do.
<b>Region I</b>				
Vermont:				
Wells, Town of, Rutland County .....	500271	June 25, 1975, Emerg.; June 15, 1988, Reg. November 21, 2001.	November 21, 2001	November 21, 2001.
<b>Region III</b>				
New Jersey:				
Berkeley Heights, Township of, Union County.	340459	December 30, 1971, Emerg.; March 1, 1978, Reg. November 21, 2001.	.....do .....	Do.
<b>Region V</b>				
Ohio:				
Adams County Unincorporated Areas.	390001	March 14, 1978, Emerg.; November 21, 2001, Reg.	.....do .....	Do.
Manchester, Village of, Adams County.	390002	October 25, 1974, Emerg.; August 1, 1978, Reg. November 21, 2001.	.....do .....	Do.
Aberdeen, Village of, Brown County	390675	July 2, 1975, Emerg.; August 15, 1983, Reg. November 21, 2001.	.....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 special flood hazard areas
Brown County, Unincorporated Areas County.	390034	May 9, 1977, Emerg.; November 21, 2001, Reg.	.....do .....	Do.
Higginsport, Village of, Brown County.	390677	January 29, 1976, Emerg.; September 15, 1983, Reg. November 21, 2001.	.....do .....	Do.
Mount Orab, Village of, Brown County.	390621	January 16, 2001, Emerg.; November 21, 2001, Reg.	.....do .....	Do.
Ripley, Village of, Brown County .....	390036	June 12, 1975, Emerg.; July 18, 1983, Reg. November 21, 2001.	.....do .....	Do.
Rome, Village of, Brown County .....	390003	February 16, 1977, Emerg.; October 18, 1983, Reg. November 21, 2001.	.....do .....	Do.
<b>Region VI</b>				
Oklahoma: Logan County, Unincorporated Areas.	400096	October 26, 1984, Emerg.; December 5, 1989, Reg. November 21, 2001.	.....do .....	Do.
<b>Region IX</b>				
California: Hidden Hills, City of, Los Angeles County.	060125	May 24, 1974, Emerg.; September 7, 1984, Reg. November 21, 2001.	.....do .....	Do.
Lassen County, Unincorporated Areas.	060092	June 26, 1986, Emerg.; September 4, 1987, Reg. November 21, 2001.	.....do .....	Do.
Palos Verdes Estates, City of, Los Angeles County.	060145	January 29, 1971, Emerg.; September 7, 1984, Reg. November 21, 2001.	.....do .....	Do.

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

Dated: October 23, 2001.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance and Mitigation Administration.*

[FR Doc. 01-27208 Filed 10-29-01; 8:45 am]

**BILLING CODE 6718-05-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 660

[Docket No. 001226367-0367-01; I.D. 102201A]

#### Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Recreational Fishery Closure

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Fishery closure; request for comments.

**SUMMARY:** NMFS announces closure of the recreational fishery for rockfish and lingcod in Federal waters (3-200 nautical miles offshore) south of 40°10' N lat. and seaward of the 20-fathom (36.9-m) depth contour off the coast of California from October 29 through December 31, 2001. This action, which is authorized by the Pacific Coast Groundfish Fishery Management Plan

(FMP) and its implementing regulations, is intended to protect overfished species.

**DATES:** Changes to management measures are effective 0001 hours local time (l.t.) October 29, 2001, through 1159 hours l.t. December 31, 2001, unless modified, superseded, or rescinded. Comments on this rule will be accepted through November 14, 2001.

**ADDRESSES:** Submit comments to D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070; or Rod McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Yvonne deReynier or Jamie Goen, Northwest Region, NMFS, 206-526-6140.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

This **Federal Register** document is available on the Government Printing Office's Web site at <http://www.access.gpo.gov/su-docs/aces/aces140.html>.

##### Background

The Pacific Coast Groundfish FMP and its implementing regulations at 50 CFR part 660, subpart G, regulate fishing for 82 species of groundfish off the coasts of Washington, Oregon, and

California. Annual groundfish specifications and management measures are initially developed by the Pacific Fishery Management Council (Council), and are implemented by NMFS. The specifications and management measures for the current fishing year (January 1 - December 31, 2001) were published at 66 FR 2338 (January 11, 2001), as amended at 66 FR 10208 (February 14, 2001), at 66 FR 18409 (April 9, 2001), at 66 FR 22467 (May 4, 2001), at 66 FR 28676 (May 24, 2001), at 66 FR 35388 (July 5, 2001), at 66 FR 38162 (July 23, 2001), and 66 FR 50851, (October 5, 2001).

Of the 82 species managed under the FMP, seven have been declared overfished under the Magnuson-Stevens Fishery Conservation and Management Act, including bocaccio and canary rockfish. The Council is developing rebuilding plans for these two species. Both bocaccio and canary rockfish are found primarily on the Continental shelf, and are classified as "shelf" rockfish species. They are caught directly and incidentally in the Pacific Coast groundfish (and non-groundfish) fisheries.

Canary rockfish is the most difficult overfished species to manage as its management places great constraint on managing other groundfish species. Its optimum yield (OY) was reduced from 1,045 mt in 1999 to 200 mt in 2000, and to 93 mt for 2001. From the 93 mt OY, 44 mt are set aside for the coastwide recreational catch, with 26 mt (22 mt