

IV. Do any of the statutory and Executive Order reviews apply to this action?

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to OMB review. Because this action is not subject to notice and comment requirements under the Administrative Procedures Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or Sections 202 and 205 of the Unfunded Mandates Reform Act of 1999 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments. This action does not create new binding legal requirements that substantially and directly affect Tribes under Executive Order 13175 (63 FR 67249, November 9, 2000). This action does not have significant Federalism implications under Executive Order 13132 (64 FR 43255, August 10, 1999). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994). This action does not involve technical standards; thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

A. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice

and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of February 22, 2011. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 302

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: February 11, 2011.

Barry Breen,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

For the reasons set out above, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

- 1. The authority citation for part 302 continues to read as follows:

Authority: 42 U.S.C. 9602, 9603, and 9604; 33 U.S.C. 1321 and 1361.

- 2. Section 302.6 is amended by revising paragraph (a) to read as follows:

§ 302.6 Notification requirements.

(a) Any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he or she has knowledge of any release (other than a federally permitted release or application of a pesticide) of a hazardous substance from such vessel or facility in a quantity equal to or exceeding the reportable quantity determined by this part in any 24-hour period, immediately notify the National Response Center (1–800–424–8802; in Washington, DC 202–267–2675; the facsimile number is 202–267–1322).

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–8169]

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 III | | | | |
| Maryland: | | | | |
| Crisfield, City of, Somerset County. | 240062 | April 28, 1975, Emerg; June 15, 1981, Reg; March 3, 2011, Susp. | March 3, 2011 .. | March 3, 2011. |
| Princess Anne, Town of, Somerset County. | 240063 | January 28, 1974, Emerg; April 20, 1979, Reg; March 3, 2011, Susp. |do | Do. |
| Somerset County, Unincorporated Areas. | 240061 | May 8, 1975, Emerg; June 15, 1981, Reg; March 3, 2011, Susp. |do | Do. |
| Region IV | | | | |
| South Carolina: | | | | |
| Abbeville, City of, Abbeville County. | 450001 | October 9, 1975, Emerg; June 4, 1980, Reg; March 3, 2011, Susp. |do | Do. |
| Edgefield, Town of, Edgefield County. | 450074 | August 14, 1995, Emerg; February 1, 2002, Reg; March 3, 2011, Susp. |do | Do. |
| Edgefield County, Unincorporated Areas. | 450229 | July 12, 1991, Emerg; April 1, 1993, Reg; March 3, 2011, Susp. |do | Do. |
| Johnston, Town of, Edgefield County. | 450266 | February 4, 2002, Emerg; March 3, 2011, Reg; March 3, 2011, Susp. |do | Do. |
| Region V | | | | |
| Illinois: | | | | |
| Freeport, City of, Stephenson County. | 170640 | January 28, 1973, Emerg; May 16, 1977, Reg; March 3, 2011, Susp. |do | Do. |
| Orangeville, Village of, Stephenson County. | 170641 | October 25, 1996, Emerg; March 3, 2011, Reg; March 3, 2011, 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 |
|---|---------------|---|----------------------------|--|
| Ohio: Winslow, Village of, Stephenson County. | 170644 | June 30, 1975, Emerg; November 17, 1982, Reg; March 3, 2011, Susp. |do | Do. |
| Highland, Village of, Highland County. | 390268 | October 20, 1975, Emerg; September 29, 1978, Reg; March 3, 2011, Susp. |do | Do. |
| Hillsboro, City of, Highland County. | 390269 | July 9, 1975, Emerg; September 4, 1986, Reg; March 3, 2011, Susp. |do | Do. |
| Leesburg, Village of, Highland County. | 390270 | December 6, 1993, Emerg; March 3, 2011, Reg; March 3, 2011, Susp. |do | Do. |
| Lynchburg, Village of, Highland County. | 390271 | April 9, 1976, Emerg; September 6, 1989, Reg; March 3, 2011, Susp. |do | Do. |
| Region VI | | | | |
| Arkansas: Donaldson, City of, Hot Spring County. | 050596 | December 11, 1990, Emerg; November 1, 1992, Reg; March 3, 2011, Susp. |do | Do. |
| Hot Spring County, Unincorporated Areas. | 050437 | June 6, 1990, Emerg; November 1, 1992, Reg; March 3, 2011, Susp. |do | Do. |
| Malvern, City of, Hot Spring County. | 050088 | May 1, 1974, Emerg; March 2, 1983, Reg; March 3, 2011, Susp. |do | Do. |
| Louisiana: Anacoco, Village of, Vernon Parish. | 220046 | N/A, Emerg; September 2, 2009, Reg; March 3, 2011, Susp. |do | Do. |
| Hornbeck, Village of, Vernon Parish. | 220332 | May 8, 2001, Emerg; June 1, 2005, Reg; March 3, 2011, Susp. |do | Do. |
| Leesville, City of, Vernon Parish. | 220229 | October 17, 1974, Emerg; January 17, 1986, Reg; March 3, 2011, Susp. |do | Do. |
| New Llano, Village of, Vernon Parish. | 220340 | May 12, 1983, Emerg; July 18, 1985, Reg; March 3, 2011, Susp. |do | Do. |
| Rosepine, Village of, Vernon Parish. | 220346 | March 5, 1976, Emerg; October 19, 1982, Reg; March 3, 2011, Susp. |do | Do. |
| Vernon Parish, Unincorporated Areas. | 220228 | July 20, 1984, Emerg; March 1, 1987, Reg; March 3, 2011, Susp. |do | Do. |
| Texas: Kerr County, Unincorporated Areas. | 480419 | January 21, 1975, Emerg; May 1, 1979, Reg; March 3, 2011, Susp. |do | Do. |
| Kerrville, City of, Kerr County. | 480420 | February 5, 1975, Emerg; September 29, 1978, Reg; March 3, 2011, Susp. |do | Do. |
| Region VII | | | | |
| Missouri: California, City of, Moniteau County. | 290238 | December 16, 1975, Emerg; August 24, 1984, Reg; March 3, 2011, Susp. |do | Do. |
| Lupus, City of, Moniteau County. | 290239 | March 13, 1985, Emerg; January 3, 1986, Reg; March 3, 2011, Susp. |do | Do. |
| Nebraska: Scribner, City of, Dodge County. | 310071 | May 30, 1975, Emerg; November 1, 1979, Reg; March 3, 2011, Susp. |do | Do. |

*-do- = Ditto.

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

Dated: February 11, 2011.

Edward L. Connor,

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

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2011-0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified

BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps