

implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely defers sanctions, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it is not economically significant. This rule does not contain 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. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of June 24, 2002. 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a major rule as defined by 5 U.S.C. 804(2).

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 August 23, 2002. 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 rules. 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 52

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

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: June 14, 2002.

**Laura Yoshii,**

*Deputy Regional Administrator, Region IX.*

[FR Doc. 02-15722 Filed 6-21-02; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 122

#### EPA Administered Permit Programs: The National Pollutant Discharge Elimination System

##### CFR Correction

In Title 40 of the Code of Federal Regulations, Parts 100 to 135, revised as of July 1, 2001, on pages 164 and 166, § 122.26 is corrected by revising paragraphs (c)(1) introductory text and (c)(1)(i)(E)(4), on page 167, by removing and reserving paragraph (c)(2), and on page 171, in paragraph (d)(2)(iii) introductory text, by revising the reference to “(d)(a)(iii)(A)(3)” to read “(d)(2)(iii)(A)(3)”, as follows:

**§ 122.26 Storm water discharges (applicable to State NPDES programs, see § 123.25).**

\* \* \* \* \*

(c) \* \* \*

(1) *Individual application.*

Dischargers of storm water associated with industrial activity and with small construction activity are required to apply for an individual permit or seek coverage under a promulgated storm water general permit. Facilities that are required to obtain an individual permit or any discharge of storm water which the Director is evaluating for designation (see § 124.52(c) of this chapter) under paragraph (a)(1)(v) of this section and is not a municipal storm sewer, shall submit an NPDES application in accordance with the requirements of § 122.21 as modified and supplemented by the provisions of this paragraph.

(i) \* \* \*

(E) \* \* \*

(4) Any information on the discharge required under § 122.21(g)(7)(vi) and (vii);

[FR Doc. 02-55515 Filed 6-21-02; 8:45 am]

**BILLING CODE 1505-01-D**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 64

[Docket No. FEMA-7785]

#### 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 III</b>				
Pennsylvania: Banks, Township of, Carbon County.	421452	July 25, 1975, Emerg.; October 1, 1986, Reg. June 3, 2002.	June 3, 2002 ....	June 3, 2002
Beaver Meadows, Borough of, Carbon County.	420247	August 5, 1975, Emerg.; June 3, 1986, Reg. June 3, 2002.	.....do .....	Do.
Bowmanstown, Borough of, Carbon County	420248	July 2, 1975, Emerg.; September 3, 1982, Reg. June 3, 2002.	.....do .....	Do.
Franklin, Township of, Carbon County .....	421014	December 4, 1973, Emerg.; August 1, 1977, Reg. June 3, 2002.	.....do .....	Do.
Jim Thorpe, Borough of, Carbon County .....	420249	August 7, 1973, Emerg.; August 15, 1977, Reg. June 3, 2002.	.....do .....	Do.
Kidder, Township of, Carbon County .....	421453	August 29, 1975, Emerg.; February 2, 1989, Reg. June 3, 2002.	.....do .....	Do.
Lansford, Borough of, Carbon County .....	420250	September 29, 1975, Emerg.; May 21, 1982, Reg. June 3, 2002.	.....do .....	Do.
Lower Towamensing, Township of, Carbon County.	421455	July 29, 1975, Emerg.; November 15, 1989, Reg. June 3, 2002.	.....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
Mahoning, Township of, Carbon County .....	421041	February 1, 1974, Emerg.; September 29, 1978, Reg. June 3, 2002.	.....do .....	Do.
Nesquehoning, Borough of, Carbon County	420252	April 16, 1974, Emerg.; July 3, 1990, Reg. June 3, 2002.	.....do .....	Do.
Parryville, Borough of, Carbon County .....	420254	December 12, 1973, Emerg.; March 1, 1978, Reg. June 3, 2002.	.....do .....	Do.
Penn Forest, Township of, Carbon County ..	421457	July 9, 1979, Emerg.; February 2, 1989, Reg. June 3, 2002.	.....do .....	Do.
Summit Hill, Borough of, Carbon County .....	421451	July 23, 1975, Emerg.; December 14, 1979, Reg. June 3, 2002.	.....do .....	Do.
Towamensing, Township of, Carbon County	421458	July 30, 1975, Emerg.; November 1, 1986, Reg. June 3, 2002.	.....do .....	Do.
Weissport, Borough of, Carbon County .....	420256	May 30, 1974, Emerg.; February 2, 1990, Reg. June 3, 2002.	.....do .....	Do.
<b>Region I</b>				
Connecticut: Enfield, Town of, Hartford County.	090028	April 4, 1974, Emerg.; March 28, 1980, Reg. June 17, 2002.	June 17, 2002 ..	June 17, 2002
Maine: York, Town of, York County .....	230159	January 14, 1972, Emerg.; November 2, 1973, Reg. June 17, 2002.	.....do .....	Do.
<b>Region II</b>				
New Jersey: Jay, Town of, Essex County ...	360265	February 13, 1976, Emerg.; August 15, 1983, Reg. June 17, 2002.	.....do .....	Do.
<b>Region III</b>				
West Virginia: Alderson, Town of, Monroe and Greenbrier Counties.	540041	March 7, 1975, Emerg.; September 27, 1991, Reg. June 17, 2002.	.....do .....	Do.
Monroe County, Unincorporated Areas .....	540278	October 26, 1976, Emerg.; January 14, 1983, Reg. June 17, 2002.	.....do .....	Do.
Peterstown, Town of, Monroe County .....	540143	November 27, 1974, Emerg.; August 1, 1979, Reg. June 17, 2002.	.....do .....	Do.
<b>Region V</b>				
Minnesota: Blaine, City of, Anoka County ....	270007	June 11, 1974, Emerg.; November 15, 1979, Reg. June 17, 2002.	.....do .....	Do.
<b>Region VII</b>				
Kansas: Countryside, City of, Johnson County.	200160	August 21, 1975, Emerg.; June 30, 1976, Reg. June 17, 2002.	.....do .....	Do.
DeSoto, City of, Johnson County .....	200161	May 16, 1975, Emerg.; August 1, 1979, Reg. June 17, 2002.	.....do .....	Do.
Edgerton, City of, Johnson County .....	200162	January 12, 1976, Emerg.; August 1, 1979, Reg. June 17, 2002.	.....do .....	Do.
Fairway, City of, Johnson County .....	205185	June 12, 1970, Emerg.; April 23, 1971, Reg. June 17, 2002.	.....do .....	Do.
Gardner, City of, Johnson County .....	200164	June 25, 1975, Emerg.; April 15, 1977, Reg. June 17, 2002.	.....do .....	Do.
Johnson County, Unincorporated Areas .....	200159	September 17, 1979, Emerg.; August 15, 1980, Reg. June 17, 2002.	.....do .....	Do.
Lake Quivira, City of, Johnson County .....	200166	July 23, 1975, Emerg.; July 26, 1977, Reg. June 17, 2002.	.....do .....	Do.
Leawood, City of, Johnson County .....	200167	September 1, 1972, Emerg.; September 30, 1977, Reg. June 17, 2002.	.....do .....	Do.
Lenexa, City of, Johnson County .....	200168	June 12, 1975, Emerg.; August 1, 1977, Reg. June 17, 2002.	.....do .....	Do.
Merriam, City of, Johnson County .....	200169	April 14, 1975, Emerg.; May 15, 1978, Reg. June 17, 2002.	.....do .....	Do.
Mission, City of, Johnson County .....	200170	May 23, 1975, Emerg.; May 15, 1978, Reg. June 17, 2002.	.....do .....	Do.
Mission Hills, City of, Johnson County .....	200171	May 7, 1975, Emerg.; September 29, 1978, Reg. June 17, 2002.	.....do .....	Do.
Olathe, City of, Johnson County .....	200173	January 19, 1973, Emerg.; November 15, 1978, Reg. June 17, 2002.	.....do .....	Do.
Overland Park, City of, Johnson County .....	200174	September 8, 1972, Emerg.; September 30, 1977, Reg. June 17, 2002.	.....do .....	Do.
Prairie Village, City of, Johnson County .....	200175	March 26, 1975, Emerg.; September 29, 1978, Reg. June 17, 2002.	.....do .....	Do.
Roeland Park, City of, Johnson County .....	200176	November 7, 1975, Emerg.; June 30, 1976, Reg. June 17, 2002.	.....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
Shawnee, City of, Johnson County .....	200177	February 24, 1975, Emerg.; November 15, 1978, Reg. June 17, 2002.	.....do .....	Do.
Westwood, City of, Johnson County .....	200179	July 27, 1975, Emerg.; June 25, 1976, Reg. June 17, 2002.	.....do .....	Do.
Westwood Hills, City of, Johnson County ....	200180	September 4, 1975, Emerg.; August 3, 1984, Reg. June 17, 2002.	.....do .....	Do.
<b>Region VIII</b>				
Montana: Lewis and Clark County, Unincorporated Areas.	300038	August 26, 1975, Emerg.; April 1, 1981, Reg. June 17, 2002.	.....do .....	Do.

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

Dated: June 10, 2002.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance Administration and Mitigation Administration.*

[FR Doc. 02-15812 Filed 6-21-02; 8:45 am]

BILLING CODE 6718-05-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 54**

[CC Docket Nos. 00-256 and 96-45; FCC 02-181]

**Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers; Federal-State Joint Board on Universal Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission waives, on its own motion, the requirement that carriers file annual certifications on June 30, 2002, in order to receive Interstate Common Line Support (ICLS). The Commission finds that this requirement is unnecessary because carriers have already filed such certifications on April 18, 2002, for the ICLS funding year beginning July 1, 2002. The Commission also amends its rules to permit adjustments to Long Term Support (LTS) to reflect projected revenues of carriers that participate in the National Exchange Carrier Association (NECA) common line pool. This amendment conforms the rules governing the calculation of LTS to the Commission's intent in the *MAG Order*, ensures appropriate LTS funding levels, and will enable NECA to file common line tariffs that comply with the Commission's rules.

**DATES:** Effective June 24, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Theodore Burmeister, Attorney, Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418-7400.

**SUPPLEMENTARY INFORMATION:** This is a summary of a Commission's Order and Second Order on Reconsideration in CC Docket Nos. 00-256 and 96-45 released on June 13, 2002. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 Twelfth Street, SW., Washington, DC, 20554.

**I. Introduction**

1. In this Order we waive, on our own motion, the requirement that carriers file annual certifications on June 30, 2002, in order to receive Interstate Common Line Support (ICLS). We find that this requirement is unnecessary because carriers have already filed such certifications on April 18, 2002, for the ICLS funding year beginning July 1, 2002. We also amend our rules to permit adjustments to Long Term Support (LTS) to reflect projected revenues of carriers that participate in the National Exchange Carrier Association (NECA) common line pool. This amendment conforms the rules governing calculation of LTS to the Commission's intent in the *MAG Order*, 66 FR 59719, November 30, 2001, ensures appropriate LTS funding levels, and will enable NECA to file common line tariffs that comply with part 69 of the Commission's rules.

**II. Waiver of the June 30, 2002, Filing Requirement**

*A. Discussion*

2. We waive, on our own motion, the requirement that carriers file an annual certification on June 30, 2002. The Commission may exercise its discretion to waive a rule where special circumstances make strict compliance

with the rule inconsistent with the public interest. We find that special circumstances exist here to warrant a waiver. Generally, the requirement that carriers file a certification on June 30 of each year serves the public interest by ensuring that carriers use ICLS only for the "provision, maintenance, and upgrading of facilities and services for which the support is intended," in accordance with section 254(e). In the initial ICLS funding year, however, the June 30 filing requirement merely duplicates the earlier filing required on April 18, 2002, which covers the same certification period. The duplicative filing requirement is therefore unnecessary. We therefore conclude that special circumstances warrant a waiver of the June 30, 2002 filing requirement.

**III. Long Term Support Rules**

*A. Discussion*

3. On our own motion, we amend our rules to permit LTS to be adjusted so that it does not exceed the difference between each carrier's projected common line revenue requirement and its projected revenues from SLCs, other common line end-user charges, and transitional CCL charges. This amendment conforms the rules governing the calculation of LTS to our intent in the *MAG Order*, ensures appropriate LTS funding levels, and will enable NECA to file common line tariffs that comply with our rules.

4. Amendment of our LTS rule is necessary to fulfill our goals in reforming the interstate universal service support mechanisms and access rate structure in the *MAG Order*. The current LTS rule does not take into account the increased SLC revenues resulting from the reforms adopted in the *MAG Order*. This makes no difference for the vast majority of carriers, whose common line revenue requirements will exceed their revenues from SLCs, other end-user common line