

H. Where Are the Revised State Rules Different From the Federal Rules?

In this authorization of the State of New Mexico's program revisions for the Used Oil provisions, there are no provisions that are more stringent or broader in scope.

I. Who Handles Permits After the Authorization Takes Effect?

New Mexico will issue permits for all the provisions for which it is authorized and will administer the permits it issues. The EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization. We will not issue any more new permits or new portions of permits for the provisions listed in the Table in this document after the effective date of this authorization. The EPA will continue to implement and issue permits for HSWA requirements for which New Mexico is not yet authorized.

J. What Is Codification and Is the EPA Codifying New Mexico's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the CFR. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart T for this authorization of New Mexico's program changes until a later date. In this authorization application the EPA is not codifying the rules documented in this **Federal Register** notice.

K. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes preexisting requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the

Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will 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), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), the EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. 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 report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this document 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 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). This action will be effective May 26, 2009.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: March 5, 2009.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. E9-6677 Filed 3-24-09; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8067]

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				
Pennsylvania:				
Camp Hill, Borough of, Cumberland County.	420357	October 20, 1972, Emerg; March 15, 1977, Reg; Date of publication in the Federal Register , Susp.	03/16/2009	Date of publication in the Federal Register .
Carlisle, Borough of, Cumberland County.	425382	May 14, 1971, Emerg; September 1, 1972, Reg; Date of publication in the Federal Register , 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
Dickinson, Township of, Cumberland County.	421580	November 20, 1975, Emerg; April 20, 1979, Reg; Date of publication in the Federal Register , Susp.	*do	Do.
East Pennsboro, Township of, Cumberland County.	420359	December 3, 1971, Emerg; April 15, 1977, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Hampden, Township of, Cumberland County.	420360	April 14, 1972, Emerg; February 15, 1978, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Hopewell, Township of, Cumberland County.	421581	September 8, 1982, Emerg; June 1, 1989, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Lemoyne, Borough of, Cumberland County.	420361	May 22, 1973, Emerg; December 4, 1979, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Lower Allen, Township of, Cumberland County.	421016	June 23, 1972, Emerg; September 30, 1977, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Lower Frankford, Township of, Cumberland County.	421018	January 16, 1974, Emerg; March 16, 1988, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Lower Mifflin, Township of, Cumberland County.	421582	May 23, 1977, Emerg; October 8, 1982, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Mechanicsburg, Borough of, Cumberland County.	420362	October 15, 1971, Emerg; January 16, 1980, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Middlesex, Township of, Cumberland County.	420363	January 26, 1973, Emerg; June 15, 1981, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Monroe, Township of, Cumberland County.	420364	February 25, 1972, Emerg; December 4, 1979, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Mount Holly Springs, Borough of, Cumberland County.	420365	February 25, 1972, Emerg; March 18, 1980, Reg; Date of publication in the Federal Register , Susp.	do	Do.
New Cumberland, Borough of, Cumberland County.	420366	November 5, 1971, Emerg; February 16, 1977, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Newburg, Borough of, Cumberland County.	422405	March 10, 1976, Emerg; June 24, 1977, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Newville, Borough of, Cumberland County.	421579	September 21, 1976, Emerg; December 14, 1979, Reg; Date of publication in the Federal Register , Susp.	do	Do.
North Middleton, Township of, Cumberland County.	420367	January 12, 1973, Emerg; April 1, 1982, Reg; Date of publication in the Federal Register , Susp.	do	Do.
North Newton, Township of, Cumberland County.	421583	February 6, 1976, Emerg; September 10, 1984, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Penn, Township of, Cumberland County	421584	November 25, 1975, Emerg; October 15, 1985, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Shippensburg, Borough of, Cumberland County.	420368	January 23, 1974, Emerg; March 15, 1979, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Shippensburg, Township of, Cumberland County.	421585	January 13, 1981, Emerg; November 4, 1988, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Shiremanstown, Borough of, Cumberland County.	420369	March 2, 1973, Emerg; January 5, 1979, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Silver Spring, Township of, Cumberland County.	420370	March 2, 1973, Emerg; May 2, 1983, Reg; Date of publication in the Federal Register , Susp.	do	Do.
South Middleton, Township of, Cumberland County.	420371	April 19, 1973, Emerg; November 4, 1981, Reg; Date of publication in the Federal Register , 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
South Newton, Township of, Cumberland County.	421586	April 25, 1977, Emerg; August 4, 1988, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Southampton, Township of, Cumberland County.	421587	February 1, 1977, Emerg; August 4, 1988, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Upper Allen, Township of, Cumberland County.	420372	December 10, 1971, Emerg; February 15, 1980, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Upper Frankford, Township of, Cumberland County.	421588	August 22, 1975, Emerg; April 5, 1988, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Upper Mifflin, Township of, Cumberland County.	421589	February 4, 1976, Emerg; November 26, 1982, Reg; Date of publication in the Federal Register , Susp.	do	Do.
West Pennsboro, Township of, Cumberland County.	421590	January 14, 1976, Emerg; March 4, 1988, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Wormleysburg, Borough of, Cumberland County.	420374	August 18, 1972, Emerg; February 16, 1977, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Virginia:				
Accomack County, Unincorporated Areas.	510001	January 10, 1974, Emerg; June 1, 1984, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Belle Haven, Town of, Accomack County.	510242	Emerg; February 8, 2001, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Charles City County, Unincorporated Areas.	510198	October 20, 1975, Emerg; September 5, 1990, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Chincoteague, Town of, Accomack County.	510002	March 4, 1974, Emerg; March 1, 1977, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Essex County, Unincorporated Areas ...	510048	March 15, 1974, Emerg; December 16, 1988, Reg; Date of publication in the Federal Register , Susp.	do	Do.
King George County, Unincorporated Areas.	510312	May 16, 1975, Emerg; December 15, 1990, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Onancock, Town of, Accomack County	510298	February 17, 1976, Emerg; December 15, 1981, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Saxis, Town of, Accomack County	510003	March 11, 1976, Emerg; November 17, 1982, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Tangier, Town of, Accomack County	510004	March 28, 1975, Emerg; October 15, 1982, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Tappahanock, Town of, Essex County	510049	June 3, 1974, Emerg; August 4, 1987, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Wachapreague, Town of, Accomack County.	510005	January 28, 1975, Emerg; September 2, 1982, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Region IV				
Alabama:				
Chilton County, Unincorporated Areas ..	010030	Emerg; February 7, 2006, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Clanton, City of, Chilton County	010031	August 7, 1975, Emerg; May 1, 1984, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Maplesville, Town of, Chilton County	010032	September 16, 1975, Emerg; February 1, 1984, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Thorsby, Town of, Chilton County	010344	Emerg; November 28, 1997, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Georgia:				

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
Darien, City of, McIntosh County	130131	April 24, 1975, Emerg; July 2, 1981, Reg; Date of publication in the Federal Register , Susp.	do	Do.
McIntosh County, Unincorporated Areas	130130	December 16, 1975, Emerg; May 15, 1984, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Kentucky: Booneville, City of, Owsley County.	210187	July 24, 1984, Emerg; August 5, 1985, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Mississippi:				
Gautier, City of, Jackson County	280332	November 13, 1986, Emerg; November 13, 1986, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Jackson County, Unincorporated Areas	285256	June 30, 1970, Emerg; April 3, 1978, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Moss Point, City of, Jackson County	285258	September 11, 1970, Emerg; September 18, 1970, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Ocean Springs, City of, Jackson County	285259	August 14, 1970, Emerg; September 18, 1970, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Pascagoula, City of, Jackson County ...	285260	July 17, 1970, Emerg; September 18, 1970, Reg; Date of publication in the Federal Register , Susp.	do	Do.
North Carolina:				
Clemmons, Village of, Forsyth County ..	370531	Emerg;—June 27, 2000, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Davidson County, Unincorporated Areas.	370307	July 23, 1976, Emerg; May 1, 1980, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Davie County, Unincorporated Areas	370308	December 23, 1975, Emerg; March 21, 1980, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Forsyth County, Unincorporated Areas	375349	March 19, 1971, Emerg; September 1, 1972, Reg; Date of publication in the Federal Register , Susp.	do	Do.
High Point, City of, Guilford County	370113	August 5, 1974, Emerg; November 1, 1979, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Lexington, City of, Davidson County	370081	July 10, 1975, Emerg; November 1, 1979, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Thomasville, City of, Davidson County	370082	December 3, 1974, Emerg; September 28, 1979, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Winston-Salem, City of, Forsyth County	375360	March 19, 1971, Emerg; August 31, 1973, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Region V				
Wisconsin:				
Baldwin, Village of, St. Croix County	550380	June 26, 1975, Emerg; August 15, 1990, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Glenwood City, City of, St. Croix County.	550381	July 1, 1975, Emerg; September 4, 1986, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Hammond, Village of, St. Croix County	550382	October 23, 1975, Emerg; July 16, 1987, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Hudson, City of, St. Croix County	555558	April 23, 1971, Emerg; November 10, 1972, Reg; Date of publication in the Federal Register , Susp.	do	Do.
New Richmond, City of, St. Croix County.	550384	June 5, 1974, Emerg; July 16, 2004, Reg; Date of publication in the Federal Register , Susp.	do	Do.
North Hudson, Village of, St. Croix County.	555568	September 10, 1971, Emerg; January 12, 1973, Reg; Date of publication in the Federal Register , 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
River Falls, City of, St. Croix County	550330	March 30, 1972, Emerg; December 15, 1982, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Somerset, Village of, St. Croix County	550386	April 16, 1975, Emerg; June 1, 1987, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Spring Valley, Village of, St. Croix County.	550331	July 2, 1975, Emerg; March 15, 1984, Reg; Date of publication in the Federal Register , Susp.	do	Do.
St. Croix County, Unincorporated Areas	555578	April 2, 1971, Emerg; April 27, 1973, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Wilson, Village of, St. Croix County	550389	June 15, 1976, Emerg; May 1, 1987, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Woodville, Village of, St. Croix County	550390	August 15, 1975, Emerg; May 4, 1989, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Region VI				
Arkansas:				
Alma, City of, Crawford County	050236	March 25, 1974, Emerg; April 1, 1981, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Altheimer, City of, Jefferson County	050107	September 16, 1975, Emerg; August 15, 1980, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Cedarville, City of, Crawford County	050505	Emerg; June 26, 2006, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Chester, Town of, Crawford County	050050	May 18, 1990, Emerg; August 5, 1991, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Crawford County, Unincorporated Areas	050428	June 29, 1990, Emerg; August 5, 1991, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Dyer, Town of, Crawford County	050408	Emerg; January 30, 2004, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Humphrey, City of, Jefferson County	050108	July 31, 1975, Emerg; November 1, 1985, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Jefferson County, Unincorporated Areas.	050440	September 6, 1978, Emerg; April 16, 1991, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Kibler, City of, Crawford County	050337	Emerg; November 30, 2006, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Mountainburg, City of, Crawford County	050051	April 15, 1981, Emerg; April 15, 1981, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Mulberry, City of, Crawford County	050354	May 27, 1981, Emerg; May 27, 1981, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Pine Bluff, City of, Jefferson County	050109	August 13, 1974, Emerg; July 16, 1981, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Redfield, City of, Jefferson County	050282	April 13, 1976, Emerg; August 26, 1977, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Rudy, City of, Crawford County	050052	April 14, 1975, Emerg; June 25, 1976, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Sherrill, Town of, Jefferson County	050110	June 19, 1975, Emerg; June 30, 1976, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Van Buren, City of, Crawford County	050053	January 16, 1974, Emerg; November 16, 1977, Reg; Date of publication in the Federal Register , Susp.	do	Do.
Wabaseka, City of, Jefferson County ..	050111	June 26, 1975, Emerg; December 2, 1980, Reg; Date of publication in the Federal Register , 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
White Hall, City of, Jefferson County	050375	August 11, 1975, Emerg; September 16, 1988, Reg; Date of publication in the Federal Register , Susp.	do	Do.

* do=Ditto.

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

Dated: March 11, 2009.

Michael K. Buckley,

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

[FR Doc. E9–6671 Filed 3–24–09; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–8061]

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 from the NFIP 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, FEMA is suspending these communities from the NFIP on the effective date identified in the third column of the chart below. 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. FEMA will publish in the **Federal Register** a notice withdrawing the suspension of those communities that submit the required documentation before the applicable suspension date(s).

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.