

Subparts F–G [Removed and reserved]

- 3. Remove and reserve subparts F and G.

Subparts I–L [Removed and reserved]

- 4. Remove and reserve subparts I through L.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–8075]

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 IV				
Georgia: Good Hope, City of, Walton County	130411	April 12, 1976, Emerg; June 17, 1986, Reg; May 18, 2009, Susp.	May 18, 2009 ...	May 18, 2009
Loganville, City of, Walton County	130326	March 22, 1979, Emerg; July 16, 1982, Reg; May 18, 2009, Susp.	*.....do	Do.
Monroe, City of, Walton County	130227	March 26, 1975, Emerg; February 16, 1990, Reg; May 18, 2009, Susp.	.....do	Do.
North Carolina: Jonesville, Town of, Yadkin County	370260	June 26, 1975, Emerg; July 1, 1987, Reg; May 18, 2009, Susp.	.....do	Do.
Yadkin County, Unincorporated Areas	370400	NA, Emerg; June 22, 2005, Reg; May 18, 2009, Susp.	.....do	Do.
Tennessee: Benton, City of, Polk County	470148	May 27, 1975, Emerg; July 3, 1986, Reg; May 18, 2009, Susp.	.....do	Do.
Copperhill, City of, Polk County	470269	May 1, 1975, Emerg; August 19, 1986, Reg; May 18, 2009, Susp.	.....do	Do.
Gallatin, City of, Sumner County	470185	May 27, 1975, Emerg; August 3, 1981, Reg; May 18, 2009, Susp.	.....do	Do.
Gatlinburg, City of, Sevier County	475426	October 30, 1970, Emerg; October 30, 1970, Reg; May 18, 2009, Susp.	.....do	Do.
Hendersonville, City of, Sumner County	470186	May 28, 1974, Emerg; November 4, 1981, Reg; May 18, 2009, Susp.	.....do	Do.
Lebanon, City of, Wilson County	470208	June 23, 1975, Emerg; January 6, 1983, Reg; May 18, 2009, Susp.	.....do	Do.
Livingston, City of, Overton County	470143	February 5, 1975, Emerg; June 3, 1986, Reg; May 18, 2009, Susp.	.....do	Do.
Mount Juliet, City of, Wilson County	470290	July 8, 1976, Emerg; May 17, 1982, Reg; May 18, 2009, Susp.	.....do	Do.
Pigeon Forge, City of, Sevier County	475442	November 13, 1971, Emerg; September 1, 1972, Reg; May 18, 2009, Susp.	.....do	Do.
Pittman Center, City of, Sevier County	470378	August 24, 1993, Emerg; March 1, 1995, Reg; May 18, 2009, Susp.	.....do	Do.
Polk County, Unincorporated Areas	470261	April 9, 1993, Emerg; June 16, 1995, Reg; May 18, 2009, Susp.	.....do	Do.
Sevierville, City of, Sevier County	475444	October 23, 1970, Emerg; March 27, 1971, Reg; May 18, 2009, Susp.	.....do	Do.
Sumner County, Unincorporated Areas	470349	August 5, 1975, Emerg; June 19, 1985, Reg; May 18, 2009, Susp.	.....do	Do.
Wilson County, Unincorporated Areas	470207	August 27, 1975, Emerg; June 15, 1984, Reg; May 18, 2009, Susp.	.....do	Do.
Region V				
Wisconsin: Albany, Village of, Green County	550158	March 18, 1975, Emerg; July 18, 1983, Reg; May 18, 2009, Susp.	.....do	Do.
Brodhead, City of, Green County	550160	April 30, 1975, Emerg; September 29, 1989, Reg; May 18, 2009, Susp.	.....do	Do.
Browntown, City of, Green County	550161	August 16, 1978, Emerg; October 16, 1984, Reg; May 18, 2009, Susp.	.....do	Do.
Green County, Unincorporated Areas	550157	November 1, 1974, Emerg; September 15, 1983, Reg; May 18, 2009, Susp.	.....do	Do.
Monroe, City of, Green County	550162	May 1, 1975, Emerg; December 1, 1982, Reg; May 18, 2009, Susp.	.....do	Do.
Monticello, Village of, Green County	550163	May 15, 1975, Emerg; July 18, 1983, Reg; May 18, 2009, Susp.	.....do	Do.
New Glarus, Village of, Green County	550164	May 2, 1975, Emerg; August 1, 1983, Reg; May 18, 2009, Susp.	.....do	Do.
Region VI				
Oklahoma: Bristow, City of, Creek County ...	400051	July 9, 1980, Emerg; May 4, 1982, Reg; May 18, 2009, Susp.	.....do	Do.
Drumright, City of, Creek, Payne County	400052	June 12, 1975, Emerg; July 2, 1980, Reg; May 18, 2009, Susp.	.....do	Do.
Kiefer, Town of, Creek County	400393	July 9, 1975, Emerg; April 15, 1982, Reg; May 18, 2009, Susp.	.....do	Do.
Mannford, Town of, Creek County	400399	March 20, 2003, Emerg; NA, Reg; May 18, 2009, Susp.	.....do	Do.
Sapulpa, City of, Creek County	400053	August 4, 1972, Emerg; December 1, 1977, Reg; May 18, 2009, Susp.	.....do	Do.
Stroud, City of, Creek, Lincoln County	400417	NA, Emerg; March 6, 2000, Reg; May 18, 2009, Susp.	.....do	Do.
Region VII				
Missouri: Eldon, Town of, Miller County	290227	January 17, 1975, Emerg; December 12, 1978, Reg; May 18, 2009, 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
Jonesburg, City of, Montgomery County	290310	December 31, 2007, Emerg; NA, Reg; May 18, 2009, Susp.	.....do	Do.
Lake Ozark, City of, Miller County	290698	April 15, 2005, Emerg; August 1, 2005, Reg; May 18, 2009, Susp.	.....do	Do.
Miller County, Unincorporated Areas	290226	NA, Emerg; October 19, 1998, Reg; May 18, 2009, Susp.	.....do	Do.
Montgomery County, Unincorporated Areas	290242	October 29, 1986, Emerg; March 1, 1987, Reg; May 18, 2009, Susp.	.....do	Do.
Rhineland, Town of, Montgomery County	290243	October 24, 1986, Emerg; October 24, 1986, Reg; May 18, 2009, Susp.	.....do	Do.
Tuscumbia, Village of, Miller County	290228	December 2, 1986, Emerg; March 1, 1987, Reg; May 18, 2009, Susp.	.....do	Do.
Region IX				
California: San Jose, City of, Santa Clara County.	060349	January 23, 1976, Emerg; August 2, 1982, Reg; May 18, 2009, Susp.	.....do	Do.

* do = Ditto.

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

Dated: May 7, 2009.

Deborah Ingram,

*Acting Deputy Assistant Administrator,
Mitigation Directorate, 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–2008–0020]

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 are available for inspection as indicated on the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Assistant Administrator of the Mitigation Directorate has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part

10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

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 final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 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.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows: