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List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 8, 2012.

James J. Jones,
Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

Therefore, 40 CFR chapter I is amended as follows:

PART 799—[AMENDED]

■ 1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

■ 2. In § 799.5085, revise the entry “CAS No. 1324–76–1” in Table 2 of paragraph (j) to read as follows:

§ 799.5085 Chemical testing requirements for first group of high production volume chemicals (HPV1).

* * * * *

(j) * * *

TABLE 2—CHEMICAL SUBSTANCES AND TESTING REQUIREMENTS

CAS No.	Chemical name	Class	Required tests (see table 3 of this section)
1324–76–1	Benzenesulfonic acid, [[4-[[4-(phenylamino)phenyl][4-(phenylimino)-2,5-cyclohexadien-1-ylidene]methyl]phenyl]amino]-.	2	A, B, C1, D, E1, E2, F1.

* * * * *

[FR Doc. 2012–11493 Filed 5–11–12; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2012–0003; Internal Agency Docket No. FEMA–8229]

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, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures 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 the sale of NFIP flood insurance 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. We recognize that 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 to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. 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 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 FIRM for 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 procedures 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, Section 1315, 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				
Virginia: Prince George County, Unincorporated Areas.	510204	May 17, 1974, Emerg; May 1, 1980, Reg; .. May 16, 2012, Susp	May 16, 2012 ...	May 16, 2012.
Region IV				
Florida:				
Collier County, Unincorporated Areas ...	120067	July 10, 1970, Emerg; September 14, 1979, Reg; May 16, 2012, Susp.	do*	Do.
Everglades City, City of, Collier County	125104	July 14, 1970, Emerg; October 6, 1972, Reg; May 16, 2012, Susp.	do	Do.
Marco Island, City of, Collier County	120426	N/A, Emerg; October 27, 1998, Reg; May 16, 2012, Susp.	do	Do.
Naples, City of, Collier County	125130	May 8, 1970, Emerg; July 2, 1971, Reg; May 16, 2012, Susp.	do	Do.
Seminole Tribe of Florida, Collier and Broward Counties.	120685	N/A, Emerg; March 25, 2002, Reg; May 16, 2012, Susp.	do	Do.
Mississippi:				
Greenwood, City of, Leflore County	280102	June 7, 1973, Emerg; March 18, 1980, Reg; May 16, 2012, Susp.	do	Do.
Itta Bena, City of, Leflore County	280103	January 17, 1974, Emerg; April 3, 1978, Reg; May 16, 2012, Susp.	do	Do.
Leflore County, Unincorporated Areas ..	280101	August 28, 1973, Emerg; November 1, 1979, Reg; May 16, 2012, Susp.	do	Do.
Morgan City, Town of, Leflore County ..	280104	March 1, 1974, Emerg; April 3, 1978, Reg; May 16, 2012, Susp.	do	Do.
Schlater, Town of, Leflore County	280105	May 3, 1976, Emerg; September 27, 1985, Reg; May 16, 2012, Susp.	do	Do.
Sidon, Town of, Leflore County	280106	January 30, 1974, Emerg; March 15, 1978, Reg; May 16, 2012, Susp.	do	Do.
Region V				
Illinois:				
Catlin, Village of, Vermilion County	170661	August 21, 1975, Emerg; September 4, 1985, Reg; May 16, 2012, Susp.	do	Do.
Danville, City of, Vermilion County	170662	June 16, 1975, Emerg; July 18, 1983, Reg; May 16, 2012, Susp.	do	Do.
Georgetown, City of, Vermilion County	170665	July 10, 1975, Emerg; February 11, 1976, Reg; May 16, 2012, Susp.	do	Do.
Hoopeston, City of, Vermilion County ...	170667	November 11, 1976, Emerg; July 3, 1985, Reg; May 16, 2012, Susp.	do	Do.
Muncie, Village of, Vermilion County	170963	July 11, 1995, Emerg; N/A, Reg; May 16, 2012, Susp.	do	Do.
Potomac, Village of, Vermilion County ..	170799	September 23, 1975, Emerg; September 18, 1985, Reg; May 16, 2012, 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
Rankin, Village of, Vermilion County	170668	August 1, 1975, Emerg; September 18, 1985, Reg; May 16, 2012, Susp.	do	Do.
Vermilion County, Unincorporated Areas.	170935	February 28, 1991, Emerg; June 1, 1995, Reg; May 16, 2012, Susp.	do	Do.
Westville, Village of, Vermilion County	170671	August 7, 1975, Emerg; August 19, 1985, Reg; May 16, 2012, Susp.	do	Do.
Ohio:				
Celina, City of, Mercer County	390393	January 22, 1975, Emerg; March 18, 1986, Reg; May 16, 2012, Susp.	do	Do.
Coldwater, Village of, Mercer County ...	390394	July 1, 1975, Emerg; February 2, 1984, Reg; May 16, 2012, Susp.	do	Do.
Mendon, Village of, Mercer County	390671	July 31, 1975, Emerg; November 15, 1985, Reg; May 16, 2012, Susp.	do	Do.
Montezuma, Village of, Mercer County	390396	June 11, 1997, Emerg; April 15, 2002, Reg; May 16, 2012, Susp.	do	Do.
Rockford, Village of, Mercer County	390397	July 21, 1975, Emerg; February 1, 1986, Reg; May 16, 2012, Susp.	do	Do.
Region VI				
Louisiana:				
Mandeville, City of, Saint Tammany Parish.	220202	March 12, 1974, Emerg; September 28, 1979, Reg; May 16, 2012, Susp.	do	Do.
Texas:				
Brazos County, Unincorporated Areas ..	481195	January 13, 1986, Emerg; July 2, 1992, Reg; May 16, 2012, Susp.	do	Do.
Bryan, City of, Brazos County	480082	May 2, 1974, Emerg; May 19, 1981, Reg; May 16, 2012, Susp.	do	Do.
Wixon Valley, City of, Brazos County ...	481636	N/A, Emerg; September 4, 2001, Reg; May 16, 2012, Susp.	do	Do.
Region VII				
Iowa:				
Cerro Gordo County, Unincorporated Areas.	190853	December 29, 1999, Emerg; December 1, 2001, Reg; May 16, 2012, Susp.	do	Do.
Clear Lake, City of, Cerro Gordo County.	190059	August 7, 1975, Emerg; August 4, 1987, Reg; May 16, 2012, Susp.	do	Do.
Mason City, City of, Cerro Gordo County.	190060	March 21, 1975, Emerg; December 2, 1980, Reg; May 16, 2012, Susp.	do	Do.
Plymouth, City of, Cerro Gordo County	190061	May 24, 1991, Emerg; January 1, 1992, Reg; May 16, 2012, Susp.	do	Do.
Rock Falls, City of, Cerro Gordo County	190351	July 4, 1994, Emerg; July 1, 1997, Reg; May 16, 2012, Susp.	do	Do.
Missouri:				
Brunswick, City of, Chariton County	290074	November 12, 1975, Emerg; February 2, 1983, Reg; May 16, 2012, Susp.	do	Do.
Chariton County, Unincorporated Areas	290073	January 12, 1984, Emerg; December 3, 1987, Reg; May 16, 2012, Susp.	do	Do.
Dalton, Village of, Chariton County	290464	December 2, 1994, Emerg; October 10, 2003, Reg; May 16, 2012, Susp.	do	Do.
Region IX				
Nevada:				
Eureka County, Unincorporated Areas	320028	March 9, 1984, Emerg; April 1, 1988, Reg; May 16, 2012, Susp.	do	Do.

* do = Ditto.

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

Dated: May 1, 2012.

David L. Miller,

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

[FR Doc. 2012-11524 Filed 5-11-12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 236

[Docket No. FRA-2011-0028, Notice No. 3]

RIN 2130-AC27

Positive Train Control Systems (RRR)

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FRA amends the regulations implementing a provision of the Rail Safety Improvement Act of 2008 that requires certain passenger and freight railroads to install positive train control (PTC) systems. This final rule removes regulatory provisions that require railroads to either conduct further analyses or meet certain risk-based criteria in order to avoid PTC system implementation on track segments that do not transport poison- or toxic-by-inhalation hazardous (PIH) materials traffic and are not used for intercity or commuter rail passenger transportation as of December 31, 2015.

DATES: This final rule is effective July 13, 2012. Petitions for reconsideration must be received on or before July 13, 2012. Petitions for reconsideration will be posted in the docket for this proceeding. Comments on any submitted petition for reconsideration must be received on or before August 27, 2012.

ADDRESSES: *Petitions for reconsideration and comments on petitions for reconsideration:* Any petitions for reconsideration or comments on petitions for reconsideration related to Docket No. FRA-2011-0028, may be submitted by any of the following methods:

- *Web site:* The Federal eRulemaking Portal, www.regulations.gov. Follow the Web site's online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* Room W12-140 on the Ground level of the West Building,

1200 New Jersey Avenue SE., Washington, DC between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all petitions received will be posted without change to www.regulations.gov including any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted petitions, comments, or materials.

Docket: For access to the docket to read background documents or comments received, go to www.regulations.gov or to Room W12-140 on the Ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Thomas McFarlin, Office of Safety Assurance and Compliance, Staff Director, Signal & Train Control Division, Federal Railroad Administration, Mail Stop 25, West Building 3rd Floor West, Room W35-332, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone: 202-493-6203); or Jason Schlosberg, Trial Attorney, Office of Chief Counsel, RCC-10, Mail Stop 10, West Building 3rd Floor, Room W31-207, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone: 202-493-6032).

SUPPLEMENTARY INFORMATION: FRA is issuing this final rule to amend the regulatory requirements contained in 49 CFR part 236, subpart I, related to a railroad's ability to remove track segments from the necessity of implementing PTC systems as mandated by Section 104 of the Railroad Safety Improvement Act of 2008, Public Law 110-432, 122 Stat. 4854 (Oct. 16, 2008) (codified at 49 U.S.C. 20157) (hereinafter "RSIA") based on the track segments not carrying PIH traffic as of December 31, 2015.

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I. Executive Summary

For years, FRA has supported the implementation of positive train control (PTC) systems, forecasting substantial benefits of advanced train control technology in supporting a variety of business and safety purposes. However, FRA repetitively noted that an immediate regulatory mandate for PTC system implementation could not be justified based upon normal cost-benefit principals relying on direct safety benefits. In 2005, FRA promulgated regulations providing for the voluntary implementation of processor-based signal and train control systems. *See* 70 FR 11,052 (Mar. 7, 2005) (codified at 49 CFR part 236, subpart H).

As a consequence of the number and severity of certain very public accidents, coupled with a series of other less publicized accidents, Congress passed RSIA mandating the implementation of PTC systems on lines meeting certain thresholds. RSIA requires PTC system implementation on all Class I railroad lines that carry PIH materials and 5 million gross tons or more of annual traffic, and on any railroad's main line tracks over which intercity or commuter rail passenger train service is regularly provided. In addition, RSIA provided FRA with the authority to require PTC system implementation on any other line.

In accordance with its statutory authority, FRA's subsequent final rule, issued January 15, 2010, and amended on September 27, 2010, potentially required PTC system implementation on certain track segments that carried PIH traffic and 5 million gross tons or more of annual traffic in 2008 but that will not, as of December 31, 2015, carry PIH traffic, and will not be used for intercity or commuter rail passenger transportation that otherwise requires PTC installation under the rule. Per the regulation, the determination would be based upon whether the subject track segment would pass what has been called the alternative route analysis and the residual risk analysis (the "two qualifying tests"), which are described below.