

**PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS**

■ 1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 2. In appendix B to part 4044, correct the entries for January, February, and

March 2009, as set forth below, to read as follows:

**Appendix B to Part 4044—Interest Rates Used to Value Benefits**

\* \* \* \* \*

For valuation dates occurring in the month—

The values of  $i_t$  are:

	$i_t$	for $t =$	$i_t$	for $t =$	$i_t$	for $t =$
January 2009 .....	0.0602	1–20	0.0548	>20	N/A	N/A
February 2009 .....	0.0602	1–20	0.0548	>20	N/A	N/A
March 2009 .....	0.0602	1–20	0.0548	>20	N/A	N/A

Issued in Washington, DC, on this 5th day of January 2009.

**Vincent K. Snowbarger,**

*Deputy Director for Operations, Pension Benefit Guaranty Corporation.*

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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–8057]

**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
<b>Region IV</b>				
North Carolina:				
Bethania, Town of, Forsyth County .....	370477	—, Emerg; April 24, 2002, Reg; January 2, 2009, Susp.	Jan. 2, 2009 .....	Jan. 2, 2009.
Clemmons, Village of, Forsyth County ..	370531	—, Emerg; June 27, 2000, Reg; January 2, 2009, Susp.	.....do .....	Do.
Forsyth County, Unincorporated Areas	375349	March 19, 1971, Emerg; September 1, 1972, Reg; January 2, 2009, Susp.	.....do .....	Do.
Kernersville, Town of, Forsyth County ..	370319	—, Emerg; June 27, 2000, Reg; January 2, 2009, Susp.	.....do .....	Do.
Rural Hall, Town of, Forsyth County .....	370606	—, Emerg; April 25, 2002, Reg; January 2, 2009, Susp.	.....do .....	Do.
Tobaccoville, Village of, Forsyth County	370624	—, Emerg; August 13, 2002, Reg; January 2, 2009, Susp.	.....do .....	Do.
Walkertown, Town of, Forsyth County ..	370679	—, Emerg; September 24, 2002, Reg; January 2, 2009, Susp.	.....do .....	Do.
Winston-Salem, City of, Forsyth County	375360	March 19, 1971, Emerg; August 31, 1973, Reg; January 2, 2009, Susp.	.....do .....	Do.
Tennessee:				
Lawrence County, Unincorporated Areas.	470354	—, Emerg; December 10, 1998, Reg; January 2, 2009, Susp.	.....do .....	Do.
Lawrenceburg, City of, Lawrence County.	475437	January 7, 1972, Emerg; May 25, 1973, Reg; January 2, 2009, Susp.	.....do .....	Do.
<b>Region V</b>				
Illinois:				
Cortland, Town of, DeKalb County .....	170181	April 5, 1979, Emerg; November 30, 1979, Reg; January 2, 2009, Susp.	.....do .....	Do.
DeKalb, City of, DeKalb County .....	170182	February 25, 1972, Emerg; September 29, 1978, Reg; January 2, 2009, Susp.	.....do .....	Do.
DeKalb County, Unincorporated Areas	170808	May 14, 1974, Emerg; September 4, 1985, Reg; January 2, 2009, Susp.	.....do .....	Do.
Genoa, City of, DeKalb County .....	170183	October 31, 1975, Emerg; May 25, 1984, Reg; January 2, 2009, Susp.	.....do .....	Do.
Hinckley, Village of, DeKalb County .....	170184	July 26, 1988, Emerg; September 21, 2000, Reg; January 2, 2009, Susp.	.....do .....	Do.
Sandwich, City of, DeKalb County .....	170188	May 13, 1975, Emerg; February 27, 1984, Reg; January 2, 2009, Susp.	.....do .....	Do.
Shabbona, Village of, DeKalb County ...	170189	June 17, 1975, Emerg; September 1, 1986, Reg; January 2, 2009, Susp.	.....do .....	Do.
Wisconsin:				
Belleville, Village of, Dane County .....	550159	July 15, 1975, Emerg; November 19, 1980, Reg; January 2, 2009, Susp.	.....do .....	Do.
Black Earth, Village of, Dane County ....	550079	August 7, 1975, Emerg; January 2, 1981, Reg; January 2, 2009, Susp.	.....do .....	Do.
Cottage Grove, Village of, Dane County	550617	July 11, 2000, Emerg; June 17, 2003, Reg; January 2, 2009, Susp.	.....do .....	Do.
DeForest, Village of, Dane County .....	550082	April 16, 1975, Emerg; September 1, 1978, Reg; January 2, 2009, Susp.	.....do .....	Do.
Fitchburg, City of, Dane County .....	550610	—, Emerg; August 23, 2001, Reg; January 2, 2009, Susp.	.....do .....	Do.
Madison, City of, Dane County .....	550083	July 17, 1975, Emerg; September 30, 1980, Reg; January 2, 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
Marshall, Village of, Dane County .....	550084	July 15, 1975, Emerg; December 16, 1980, Reg; January 2, 2009, Susp.	.....do .....	Do.
Mazomanie, Village of, Dane County ....	550085	July 29, 1975, Emerg; December 1, 1981, Reg; January 2, 2009, Susp.	.....do .....	Do.
McFarland, Village of, Dane County .....	550086	April 17, 1975, Emerg; June 15, 1978, Reg; January 2, 2009, Susp.	.....do .....	Do.
Monona, City of, Dane County .....	550088	March 25, 1975, Emerg; June 15, 1978, Reg; January 2, 2009, Susp.	.....do .....	Do.
Oregon, Village of, Dane County .....	550089	May 28, 1974, Emerg; September 30, 1980, Reg; January 2, 2009, Susp.	.....do .....	Do.
Stoughton, City of, Dane County .....	550091	April 15, 1975, Emerg; June 15, 1978, Reg; January 2, 2009, Susp.	.....do .....	Do.
Sun Prairie, City of, Dane County .....	550573	—, Emerg; December 11, 1995, Reg; January 2, 2009, Susp.	.....do .....	Do.
Verona, City of, Dane County .....	550092	June 24, 1975, Emerg; August 1, 1980, Reg; January 2, 2009, Susp.	.....do .....	Do.
Waunakee, Village of, Dane County .....	550093	May 29, 1975, Emerg; May 1, 1978, Reg; January 2, 2009, Susp.	.....do .....	Do.
<b>Region VII</b>				
Kansas:				
Redfield, City of, Bourbon County .....	200025	June 4, 1976, Emerg; August 1, 1986, Reg; January 2, 2009, Susp.	.....do .....	Do.
Nebraska:				
Brady, Village of, Lincoln County .....	310141	September 15, 1975, Emerg; June 3, 1986, Reg; January 2, 2009, Susp.	.....do .....	Do.
Lincoln County, Unincorporated Areas	310452	February 28, 1983, Emerg; August 1, 1987, Reg; January 2, 2009, Susp.	.....do .....	Do.
Maxwell, Village of, Lincoln County .....	310300	August 26, 1977, Emerg; September 27, 1985, Reg; January 2, 2009, Susp.	.....do .....	Do.
North Platte, City of, Lincoln County .....	310143	January 14, 1974, Emerg; November 1, 1979, Reg; January 2, 2009, Susp.	.....do .....	Do.
Sutherland, Village of, Lincoln County ..	310144	February 5, 1975, Emerg; September 27, 1985, Reg; January 2, 2009, Susp.	.....do .....	Do.

\* do = Ditto.

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

Dated: December 24, 2008.

**Michael K. Buckley,**  
Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

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**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 65

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1027]

#### Changes in Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the Base (1% annual-chance) Flood

Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

**DATES:** These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Assistant Administrator of FEMA reconsider the changes. The modified BFEs may be changed during the 90-day period.

**ADDRESSES:** The modified 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 modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being