

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****44 CFR Part 64**

[Docket No. FEMA-8011]

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.

ADDRESSES: If you want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office.

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				
Alabama:				
Powell, Town of, DeKalb County	010398	June 6, 2005, Emerg;- , Reg; February 20, 2008, Susp.	.....do	Do.
Rainsville, City of, DeKalb County	010368	July 16, 1975, Emerg; May 1, 1980, Reg; February 20, 2008, Susp.	.....do	Do.
Sylvania, Town of, DeKalb County	010364	September 4, 2005, Emerg;- , Reg; February 20, 2008, Susp.	.....do	Do.
Taylor, City of, Geneva County	010108	-, Emerg; April 15, 2004, Reg; February 20, 2008, Susp.	.....do	Do.
Valley Head, Town of, DeKalb County	010068	August 7, 1975, Emerg; April 15, 1980, Reg; February 20, 2008, Susp.	.....do	Do.
North Carolina:				
Cleveland County, Unincorporated Areas.	370302	-, Emerg; October 23, 1995, Reg; February 20, 2008, Susp.	.....do	Do.
Shelby, City of, Cleveland County	370064	January 17, 1974, Emerg; April 3, 1978, Reg; February 20, 2008, Susp.	.....do	Do.
Tennessee:				
Lebanon, City of, Wilson County	470208	June 23, 1975, Emerg; January 6, 1983, Reg; February 20, 2008, Susp.	.....do	Do.
Mt. Juliet, City of, Wilson County	470290	July 8, 1976, Emerg; May 17, 1982, Reg; February 20, 2008, Susp.	.....do	Do.
Watertown, City of, Wilson County	470380	December 29, 1980, Emerg; January 1, 1987, Reg; February 20, 2008, Susp.	.....do	Do.
Wilson County, Unincorporated Areas ..	470207	August 27, 1975, Emerg; June 15, 1984, Reg; February 20, 2008, Susp.	.....do	Do.
Region VI				
Arkansas:				
Austin, City of, Lonoke County	050383	January 13, 1976, Emerg; April 15, 1982, Reg; February 20, 2008, Susp.	.....do	Do.
Cabot, City of, Lonoke County	050309	September 26, 1975, Emerg; April 19, 1983, Reg; February 20, 2008, Susp.	.....do	Do.
Lonoke County, Unincorporated Areas	050448	-, Emerg; March 14, 1994, Reg; February 20, 2008, Susp.	.....do	Do.
Ward, City of, Lonoke County	050372	September 8, 1975, Emerg; September 5, 1978, Reg; February 20, 2008, Susp.	.....do	Do.
Region VII				
Iowa:				
Ames, City of, Story County	190254	July 25, 1974, Emerg; January 2, 1981, Reg; February 20, 2008, Susp.	.....do	Do.
Cambridge, City of, Story County	190255	July 29, 1974, Emerg; June 15, 1981, Reg; February 20, 2008, Susp.	.....do	Do.
Gilbert, City of, Story County	190256	April 8, 1975, Emerg; January 1, 1987, Reg; February 20, 2008, Susp.	.....do	Do.
Maxwell, City of, Story County	190257	July 24, 1975, Emerg; February 15, 1984, Reg; February 20, 2008, Susp.	.....do	Do.
Nevada, City of, Story County	190258	November 25, 1974, Emerg; August 3, 1981, Reg; February 20, 2008, Susp.	.....do	Do.
Zearing, City of, Story County	190260	September 28, 1976, Emerg; May 1, 1987, Reg; February 20, 2008, Susp.	.....do	Do.
Kansas:				
Americus, City of, Lyon County	200202	July 8, 1975, Emerg; April 15, 1982, Reg; February 20, 2008, Susp.	.....do	Do.
Emporia, City of, Lyon County	200203	June 10, 1975, Emerg; October 2, 1979, Reg; February 20, 2008, Susp.	.....do	Do.
Missouri:				
Doolittle, City of, Phelps County	290727	February 18, 1976, Emerg; August 24, 1984, Reg; February 20, 2008, Susp.	.....do	Do.
Newburg, City of, Phelps County	295268	April 9, 1971, Emerg; April 28, 1972, Reg; February 20, 2008, Susp.	.....do	Do.
Phelps County, Unincorporated Areas ..	290824	May 1, 1984, Emerg; February 1, 1987, Reg; February 20, 2008, Susp.	.....do	Do.
St. James, City of, Phelps County	290661	February 5, 1976, Emerg; July 3, 1985, Reg; February 20, 2008, Susp.	.....do	Do.
Nebraska:				
Wauneta, Village of, Chase County	310037	March 31, 1975, Emerg; February 4, 1987, Reg; February 20, 2008, Susp.	.....do	Do.

* -do=Ditto.

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

Dated: February 7, 2008.

David I. Maurstad,

*Assistant Administrator for Mitigation,
Department of Homeland Security, Federal
Emergency Management Agency.*

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 367

[Docket No. FMCSA–2007–27871]

RIN 2126–AB15

Fees for Unified Carrier Registration Plan and Agreement; Correction

AGENCY: Federal Motor Carrier Safety
Administration (FMCSA), DOT.

ACTION: Correcting amendments.

SUMMARY: This document makes a technical correction to the annual fees and fee bracket structure for the Unified Carrier Registration Agreement that were published in the **Federal Register** of August 24, 2007 (72 FR 48585). The fees and fee bracket structure are required under the Uniform Carrier Registration Act of 2005, enacted as Subtitle C of Title IV of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. This document corrects the year in which the fees and fee bracket structure are effective.

DATES: Effective date: February 26, 2008.

FOR FURTHER INFORMATION CONTACT:

Jason Hartman, Regulatory Development Division, (202) 366–5043, or by e-mail at: FMCSAregs@dot.gov. Office hours are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Legal Basis for the Rulemaking

This technical correction involves the fees for the Unified Carrier Registration Agreement (UCR Agreement) established by 49 U.S.C. 14504a, enacted by section 4305(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (119 Stat. 1144, 1764 (2005)). Section 14504a states that the “Unified Carrier Registration Plan * * * mean[s] the organization * * * responsible for developing, implementing, and administering the unified carrier registration agreement”

(49 U.S.C. 14504a(a)(9)). The UCR Agreement developed by the Unified Carrier Registration Plan (UCR Plan) is the “interstate agreement governing the collection and distribution of registration and financial responsibility information provided and fees paid by motor carriers, motor private carriers, brokers, freight forwarders and leasing companies * * *” (49 U.S.C. 14504a(a)(8)).

The statute provides for a 15-member Board of Directors for the UCR Plan and Agreement (Board) appointed by the Secretary of Transportation. The establishment of the Board was announced in the **Federal Register** on May 12, 2006 (71 FR 27777).

Among its responsibilities, the Board was required to submit to the Secretary of Transportation ¹ a recommendation for the initial annual fees to be assessed motor carriers, motor private carriers, freight forwarders, brokers and leasing companies under the UCR Agreement (49 U.S.C. 14504a(d)(7)(A)). The FMCSA then was directed to set the fees within 90 days after receiving the Board’s recommendation and after notice and opportunity for public comment (49 U.S.C. 14504a(d)(7)(B)). The FMCSA established fees and a fee bracket structure in a final rule published in the **Federal Register** on August 24, 2007 (72 FR 48585).

Background

In the final rule of August 24, 2007 (72 FR 48585), the FMCSA erroneously specified that the fees and fee bracket structure adopted in that rule pertained only to the registration year 2007. Under the statute, however, the fees set by FMCSA apply to each registration year unless and until the Board recommends an adjustment in the annual fees in accordance with 49 U.S.C. 14504a(f)(1)(E). Only after the UCR Board and FMCSA follow the procedures specified in 49 U.S.C. 14504a(d)(7)(B) and FMCSA approves a new set of fees and fee brackets would they become effective.

Need for Correction

This technical correction is required to allow the UCR Plan to continue to collect the established fees in each registration year. The FMCSA is correcting the section heading of 49 CFR 367.20 and the caption of the fee table

¹ The Secretary’s functions under section 14504a have been delegated to the Administrator of the Federal Motor Carrier Safety Administration. 49 CFR 1.73(a)(7), as amended, 71 FR 30833 (May 31, 2006).

in § 367.20 to specify that the section establishes fees under the UCR Plan and the UCR Agreement for each registration year.

Regulatory Analyses and Notices

Administrative Procedure Act

The Administrative Procedure Act provides exceptions to its notice and public comment procedures when an agency finds there is good cause on the basis that those procedures are “impracticable, unnecessary, or contrary to the public interest.” (See 5 U.S.C. 553(b)). As stated above, the amendment made by this final rule merely corrects an inadvertent error. The FMCSA therefore finds good cause that notice and public comment are unnecessary. Further, the Agency finds good cause under 5 U.S.C. 553(d)(3) to make the amendment effective upon publication.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FMCSA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or within the meaning of Department of Transportation regulatory policies and procedures. The Office of Management and Budget did not review this document. We expect the final rule will have minimal costs; therefore, a full regulatory evaluation is unnecessary.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), FMCSA has evaluated the effects of this rule on small entities. Because the rule only makes editorial corrections and places no new requirements on the regulated industry, FMCSA certifies that this action will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This rulemaking will not impose an unfunded Federal mandate, as defined by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532, *et seq.*), that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$128.1 million or more in any 1 year.

Executive Order 12988 (Civil Justice Reform)

This action will meet applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation,