

(1) Relate to manufactured housing construction and safety standards, regulations, inspections, monitoring, or other enforcement activities;

(2) Meet the definition of a "rule" under the APA and applicable case law, except that statements describing agency organization are not included; and

(3) Constitute a change from prior HUD statements or practice on the same subject matter.

### III. Findings and Certifications

#### *Environmental Impact*

This final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction; or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

#### List of Subjects

##### *24 CFR Part 3280*

Fire prevention, Housing standards.

##### *24 CFR Part 3282*

Administrative practice and procedure, Consumer protection, Intergovernmental relations, Investigations, Manufactured homes, Reporting and recordkeeping requirements.

Dated: January 27, 2010.

**David H. Stevens,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 2010-2571 Filed 2-4-10; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-8115]

#### 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>				
Alabama:				
Cherokee, City of, Colbert County .....	010208	January 17, 1974, Emerg; September 28, 1979, Reg; February 17, 2010, Susp.	Apr. 17, 2010 ....	Apr. 17, 2010.
Colbert County, Unincorporated Areas	010318	July 9, 1981, Emerg; July 9, 1981, Reg; February 17, 2010, Susp.	.....do* .....	Do.
Dallas County, Unincorporated Areas ...	010063	April 11, 1975, Emerg; September 29, 1986, Reg; February 17, 2010, Susp.	.....do .....	Do.
Leighton, City of, Colbert County .....	010046	January 17, 1974, Emerg; August 19, 1985, Reg; February 17, 2010, Susp.	.....do .....	Do.
Littleville, Town of, Colbert County .....	010330	October 25, 1977, Emerg; November 24, 1978, Reg; February 17, 2010, Susp.	.....do .....	Do.
Muscle Shoals, City of, Colbert County	010047	January 30, 1974, Emerg; December 15, 1977, Reg; February 17, 2010, Susp.	.....do .....	Do.
Selma, City of, Dallas County .....	010065	May 7, 1974, Emerg; March 4, 1986, Reg; February 17, 2010, Susp.	.....do .....	Do.
Sheffield, City of, Colbert County .....	010048	January 10, 1974, Emerg; December 15, 1977, Reg; February 17, 2010, Susp.	.....do .....	Do.
Tuscumbia, City of, Colbert County .....	010049	November 27, 1973, Emerg; December 1, 1977, Reg; February 17, 2010, Susp.	.....do .....	Do.
Valley Grande, City of, Dallas County ..	010312	N/A, Emerg; June 8, 2004, Reg; February 17, 2010, Susp.	.....do .....	Do.
Kentucky:				
Clay City, City of, Powell County .....	210195	March 22, 1976, Emerg; September 6, 1989, Reg; February 17, 2010, Susp.	.....do .....	Do.
Powell County, Unincorporated Areas ..	210194	November 1, 1976, Emerg; September 27, 1985, Reg; February 17, 2010, Susp.	.....do .....	Do.
Springfield, City of, Washington County	210220	June 4, 1975, Emerg; July 17, 1986, Reg; February 17, 2010, Susp.	.....do .....	Do.
Stanton, City of, Powell County .....	210196	July 7, 1975, Emerg; January 16, 1987, Reg; February 17, 2010, Susp.	.....do .....	Do.
Mississippi:				
Oktibbeha County, Unincorporated Areas.	280277	April 23, 1979, Emerg; June 19, 1989, Reg; February 17, 2010, Susp.	.....do .....	Do.
Starkville, City of, Oktibbeha County ....	280124	December 10, 1974, Emerg; February 18, 1981, Reg; February 17, 2010, Susp.	.....do .....	Do.
<b>Region V</b>				
Michigan:				
Augusta, Village of, Kalamazoo County	260312	May 20, 1975, Emerg; March 15, 1982, Reg; February 17, 2010, Susp.	.....do .....	Do.
Comstock, Township of, Kalamazoo County.	260427	January 18, 1977, Emerg; November 17, 1982, Reg; February 17, 2010, Susp.	.....do .....	Do.
Cooper, Township of, Kalamazoo County.	260428	May 6, 1977, Emerg; September 28, 1979, Reg; February 17, 2010, Susp.	.....do .....	Do.
Kalamazoo, City of, Kalamazoo County	260315	December 26, 1974, Emerg; May 1, 1985, Reg; February 17, 2010, Susp.	.....do .....	Do.
Oshtemo, Charter Township of, Kalamazoo County.	260736	May 12, 1983, Emerg; May 25, 1984, Reg; February 17, 2010, Susp.	.....do .....	Do.
Portage, City of, Kalamazoo County .....	260577	May 20, 1976, Emerg; May 16, 1983, Reg; February 17, 2010, Susp.	.....do .....	Do.
Richland, Township of, Kalamazoo County.	260885	March 31, 1992, Emerg; May 19, 1992, Reg; February 17, 2010, Susp.	.....do .....	Do.
Ross, Township of, Kalamazoo County	260624	July 24, 1975, Emerg; March 15, 1982, Reg; February 17, 2010, Susp.	.....do .....	Do.
Vicksburg, Village of, Kalamazoo County.	260578	November 10, 1976, Emerg; July 2, 1987, Reg; February 17, 2010, Susp.	.....do .....	Do.
Ohio:				

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
Cincinnati, City of, Hamilton County .....	390210	June 27, 1973, Emerg; October 15, 1982, Reg; February 17, 2010, Susp.	.....do .....	Do.
Greenhills, Village of, Hamilton County	390219	May 6, 1975, Emerg; September 1, 1993, Reg; February 17, 2010, Susp.	.....do .....	Do.
Milford, City of, Hamilton, Clermont Counties.	390227	April 15, 1975, Emerg; January 16, 1981, Reg; February 17, 2010, Susp.	.....do .....	Do.
North Hampton, Village of, Clark County.	390679	July 3, 1978, Emerg; September 24, 1984, Reg; February 17, 2010, Susp.	.....do .....	Do.
<b>Wisconsin:</b>				
Biron, Village of, Wood County .....	555545	April 2, 1971, Emerg; May 25, 1973, Reg; February 17, 2010, Susp.	.....do .....	Do.
Marshfield, City of, Wood, Marathon Counties.	550515	February 18, 1975, Emerg; October 6, 2009, Reg; February 17, 2010, Susp.	.....do .....	Do.
Nekoosa, City of, Wood County .....	550516	May 16, 1975, Emerg; July 16, 1987, Reg; February 17, 2010, Susp.	.....do .....	Do.
Pittsville, City of, Wood County .....	550517	March 10, 1975, Emerg; November 6, 1991, Reg; February 17, 2010, Susp.	.....do .....	Do.
Port Edwards, Village of, Wood County	555572	July 2, 1971, Emerg; April 13, 1973, Reg; February 17, 2010, Susp.	.....do .....	Do.
<b>Region VI</b>				
<b>New Mexico:</b>				
Gallup, City of, McKinley County .....	350042	August 6, 1973, Emerg; March 1, 1978, Reg; February 17, 2010, Susp.	.....do .....	Do.
McKinley County, Unincorporated Areas	350039	May 9, 2007, Emerg; N/A, Reg; February 17, 2010, Susp.	.....do .....	Do.
Zuni, Pueblo of, McKinley, Cibola, Catron Counties.	350143	December 21, 1978, Emerg; September 4, 1987, Reg; February 17, 2010, Susp.	.....do .....	Do.
<b>Texas:</b>				
Copperas Cove, City of, Coryell, Bell, Lampasas Counties.	480155	July 3, 1975, Emerg; November 21, 1978, Reg; February 17, 2010, Susp.	.....do .....	Do.
Gatesville, City of, Coryell County .....	480156	December 18, 1974, Emerg; September 30, 1981, Reg; February 17, 2010, Susp.	.....do .....	Do.
McGregor, City of, Coryell County .....	480459	April 7, 1975, Emerg; February 1, 1979, Reg; February 17, 2010, Susp.	.....do .....	Do.
Oglesby, City of, Coryell County .....	480769	February 5, 2001, Emerg; November 1, 2007, Reg; February 17, 2010, Susp.	.....do .....	Do.
<b>Region VIII</b>				
<b>Wyoming:</b>				
Bear River, Town of, Uinta County .....	560103	N/A, Emerg; October 12, 2001, Reg; February 17, 2010, Susp.	.....do .....	Do.
Evanston, City of, Uinta County .....	560054	March 23, 1977, Emerg; January 15, 1988, Reg; February 17, 2010, Susp.	.....do .....	Do.
Mountain View, Town of, Uinta County	560092	August 25, 1977, Emerg; July 4, 1989, Reg; February 17, 2010, Susp.	.....do .....	Do.
Uinta County, Unincorporated Areas ....	560053	January 2, 1976, Emerg; December 15, 1978, Reg; February 17, 2010, Susp.	.....do .....	Do.
<b>Region X</b>				
<b>Oregon:</b>				
Douglas County, Unincorporated Areas	410059	December 3, 1971, Emerg; December 15, 1978, Reg; February 17, 2010, Susp.	.....do .....	Do.
Drain, City of, Douglas County .....	410061	August 1, 1975, Emerg; August 1, 1979, Reg; February 17, 2010, Susp.	.....do .....	Do.
Elkton, City of, Douglas County .....	410062	January 14, 1976, Emerg; September 5, 1979, Reg; February 17, 2010, Susp.	.....do .....	Do.
Glendale, City of, Douglas County .....	410063	February 18, 1975, Emerg; September 29, 1978, Reg; February 17, 2010, Susp.	.....do .....	Do.
Myrtle Creek, City of, Douglas County ..	410064	January 14, 1972, Emerg; February 15, 1978, Reg; February 17, 2010, Susp.	.....do .....	Do.
Oakland, City of, Douglas County .....	410271	November 1, 1976, Emerg; June 19, 1985, Reg; February 17, 2010, Susp.	.....do .....	Do.
Reedsport, City of, Douglas County .....	410065	May 13, 1975, Emerg; April 3, 1984, Reg; February 17, 2010, Susp.	.....do .....	Do.
Riddle, City of, Douglas County .....	410066	July 22, 1975, Emerg; August 1, 1979, Reg; February 17, 2010, Susp.	.....do .....	Do.
Roseburg, City of, Douglas County .....	410067	December 23, 1971, Emerg; June 1, 1977, Reg; February 17, 2010, Susp.	.....do .....	Do.
Sutherlin, City of, Douglas County .....	410275	N/A, Emerg; May 21, 1997, Reg; February 17, 2010, 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
Yoncalla, City of, Douglas County .....	410069	July 21, 1975, Emerg; August 21, 1978, Reg; February 17, 2010, Susp.	.....do .....	Do.

\*do = Ditto.

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

Dated: January 27, 2010.

**Sandra K. Knight,**

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

[FR Doc. 2010-2487 Filed 2-4-10; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-8117]

### Suspension of Community Eligibility for Failure To Maintain Adequate Floodplain Management Regulations

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

**ACTION:** Final rule.

**SUMMARY:** FEMA is suspending one community because of its failure to maintain floodplain management regulations meeting minimum requirements under the National Flood Insurance Program (NFIP). If documentation is received from the community before the effective suspension date, indicating they have brought their floodplain management regulations into compliance with the NFIP requirements, FEMA will withdraw the suspension by publication in the **Federal Register** on a subsequent date.

**DATES:** *Effective Dates:* The effective date of the community's scheduled suspension is the date listed in the fourth column of the following table.

**FOR FURTHER INFORMATION CONTACT:** David Stearrett, Mitigation Directorate, 1800 South Bell Street, Arlington, VA 20598-3072, (202) 646-2953.

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP) enables property owners to purchase flood insurance that is generally not otherwise available. In return, communities agree to adopt and implement local floodplain management

regulations that contribute to protecting lives and reducing the risk of property damage from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body adopts adequate floodplain management measures with effective administration and enforcement processes.

The community listed in this notice no longer complies with the NFIP requirements set forth at 44 CFR part 59 *et seq.* Under 44 CFR 59.24(d), a community will be suspended from the NFIP for failing to maintain adequate floodplain management regulations. Accordingly, FEMA is suspending the City of Brentwood, Tennessee, ("the City") on the effective date in the fourth column of the table. As of that date, the purchase of new flood insurance policies or the renewal of existing flood insurance policies under the NFIP will no longer be available.

FEMA will not suspend the City; however, if the community submits the documentation required under 44 CFR 59.24(d) to show that they have corrected the deficiencies in their flood damage prevention ordinance identified in previous letters to the community to the maximum extent possible. This documentation must be received by FEMA before the actual suspension date. If the City successfully demonstrates its compliance with NFIP regulations, FEMA will continue its eligibility for the sale of NFIP insurance. FEMA will then publish in the **Federal Register** a notice withdrawing the suspension of the community. In the interim, if you wish to determine whether FEMA has suspended the City on the suspension date, please contact the FEMA Region IV office at (770) 220-5414. Additional information may also be found at <http://www.fema.gov/plan/prevent/floodplain/nfipkeywords/suspension.shtml>.

FEMA identified the special flood hazard areas (SFHAs) in this community by publishing a Flood Insurance Rate Map. The effective date of this map is indicated in the last column of the table.

By law, no Federally regulated entity may provide financial assistance for acquisition or construction purposes for property located in a SFHA unless the community in which the property is located is participating in the NFIP (42 U.S.C. 4106(a)). The prohibition against certain types of Federal disaster assistance also becomes effective for the City of Brentwood, Tennessee, on the date shown in the fourth column (42 U.S.C. 4106(b)).

The Administrator finds that notice and public comment procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because the communities listed in this final rule have been adequately notified. FEMA addressed these notifications to the Chief Executive Officer of the City of Brentwood indicating that we will suspend the City unless they take the required corrective actions and remedial measures before the effective suspension date. Because we have made these notifications, 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 community 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