

those imposed by state law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United

States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 14, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today’s **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds, Sulfur dioxide.

Dated: December 8, 2011.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

40 CFR part 52 is amended as follows:

#### PART 52—[AMENDED]

- 1. The authority citation continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart S—Kentucky

##### § 52.936 [Removed and Reserved]

- 2. Section 52.936 is removed and reserved.

[FR Doc. 2011–32171 Filed 12–15–11; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–8209]

#### 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 Federal flood insurance that is not otherwise generally available from private insurers. 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 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 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 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 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 III</b>				
Maryland:				
Calvert County, Unincorporated Areas	240011	July 5, 1973, Emerg; September 28, 1984, Reg; December 16, 2011, Susp.	Dec. 16, 2011 ...	Dec. 16, 2011.
Chesapeake Beach, Town of, Calvert County.	240100	September 15, 1975, Emerg; November 1, 1984, Reg; December 16, 2011, Susp.	.....do* .....	Do.
North Beach, City of, Calvert County ....	240012	August 30, 1974, Emerg; September 28, 1984, Reg; December 16, 2011, Susp.	.....do .....	Do.
<b>Region IV</b>				
Mississippi: New Augusta, City of, Perry County.	280131	September 27, 1974, Emerg; April 2, 1986, Reg; December 16, 2011, Susp.	.....do .....	Do.
<b>Region V</b>				
Illinois:				
Carrier Mills, Village of, Saline County ..	170786	October 27, 1977, Emerg; July 3, 1985, Reg; December 16, 2011, Susp.	.....do .....	Do.
Galatia, Village of, Saline County .....	170597	August 25, 1975, Emerg; June 3, 1986, Reg; December 16, 2011, Susp.	.....do .....	Do.
Harrisburg, City of, Saline County .....	170598	N/A, Emerg; May 12, 2008, Reg; December 16, 2011, Susp.	.....do .....	Do.
Muddy, Village of, Saline County .....	170599	July 10, 1975, Emerg; December 5, 1989, Reg; December 16, 2011, Susp.	.....do .....	Do.
Saline County, Unincorporated Areas ...	170988	N/A, Emerg; January 6, 2009, Reg; December 16, 2011, Susp.	.....do .....	Do.
Mount Carmel, City of, Wabash County	170672	June 25, 1975, Emerg; July 16, 1980, Reg; December 16, 2011, 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
<b>Michigan:</b>				
Allendale, Charter Township of, Ottawa County.	260490	December 30, 1977, Emerg; July 5, 1982, Reg; December 16, 2011, Susp.	.....do .....	Do.
Chester, Township of, Ottawa County ..	260829	May 23, 1990, Emerg; November 20, 1991, Reg; December 16, 2011, Susp.	.....do .....	Do.
Coopersville, City of, Ottawa County ....	260491	May 28, 1982, Emerg; March 2, 1983, Reg; December 16, 2011, Susp.	.....do .....	Do.
Crockery, Township of, Ottawa County	260981	December 17, 1996, Emerg; N/A, Reg; December 16, 2011, Susp.	.....do .....	Do.
Ferrysburg, City of, Ottawa County .....	260184	April 30, 1973, Emerg; March 1, 1978, Reg; December 16, 2011, Susp.	.....do .....	Do.
Grand Haven, City of, Ottawa County ..	260269	August 28, 1973, Emerg; February 15, 1978, Reg; December 16, 2011, Susp.	.....do .....	Do.
Grand Haven, Charter Township of, Ottawa County.	260270	October 9, 1973, Emerg; January 16, 1981, Reg; December 16, 2011, Susp.	.....do .....	Do.
Holland, City of, Ottawa County .....	260006	June 21, 1973, Emerg; November 15, 1978, Reg; December 16, 2011, Susp.	.....do .....	Do.
Holland, Charter Township of, Ottawa County.	260492	September 7, 1976, Emerg; December 1, 1983, Reg; December 16, 2011, Susp.	.....do .....	Do.
Hudsonville, City of, Ottawa County ....	260493	March 31, 1982, Emerg; December 4, 1984, Reg; December 16, 2011, Susp.	.....do .....	Do.
Jamestown, Charter Township of, Ottawa County.	261001	October 27, 1997, Emerg; N/A, Reg; December 16, 2011, Susp.	.....do .....	Do.
Park, Township of, Ottawa County .....	260185	August 16, 1974, Emerg; May 15, 1978, Reg; December 16, 2011, Susp.	.....do .....	Do.
Port Sheldon, Township of, Ottawa County.	260278	August 16, 1974, Emerg; May 15, 1978, Reg; December 16, 2011, Susp.	.....do .....	Do.
Spring Lake, Township of, Ottawa County.	260281	September 4, 1973, Emerg; February 15, 1978, Reg; December 16, 2011, Susp.	.....do .....	Do.
Spring Lake, Village of, Ottawa County	260282	June 1, 1973, Emerg; June 1, 1978, Reg; December 16, 2011, Susp.	.....do .....	Do.
Wright, Township of, Ottawa County ....	260495	N/A, Emerg; November 12, 1997, Reg; December 16, 2011, Susp.	.....do .....	Do.
Zeeland, Charter Township of, Ottawa County.	260932	May 12, 1995, Emerg; N/A, Reg; December 16, 2011, Susp.	.....do .....	Do.
Zeeland, City of, Ottawa County .....	260983	January 17, 1997, Emerg; N/A, Reg; December 16, 2011, Susp.	.....do .....	Do.
<b>Wisconsin:</b>				
Bayfield, City of, Bayfield County .....	550017	September 2, 1976, Emerg; September 18, 1985, Reg; December 16, 2011, Susp.	.....do .....	Do.
Bayfield County, Unincorporated Areas	550539	June 6, 1974, Emerg; September 1, 1988, Reg; December 16, 2011, Susp.	.....do .....	Do.
Washburn, City of, Bayfield County .....	550019	April 30, 1975, Emerg; November 2, 1995, Reg; December 16, 2011, Susp.	.....do .....	Do.
Crandon, City of, Forest County .....	550143	June 23, 1975, Emerg; January 2, 1987, Reg; December 16, 2011, Susp.	.....do .....	Do.
Forest County, Unincorporated Areas ...	550603	May 24, 2001, Emerg; N/A, Reg; December 16, 2011, Susp.	.....do .....	Do.
<b>Region VI</b>				
<b>Texas:</b>				
Aurora, City of, Wise County .....	481561	N/A, Emerg; May 4, 2010, Reg; December 16, 2011, Susp.	.....do .....	Do.
Boyd, City of, Wise County .....	480676	May 18, 1977, Emerg; September 1, 1987, Reg; December 16, 2011, Susp.	.....do .....	Do.
Chico, City of, Wise County .....	481053	March 7, 1983, Emerg; September 1, 1987, Reg; December 16, 2011, Susp.	.....do .....	Do.
Decatur, City of, Wise County .....	480678	March 14, 1975, Emerg; August 16, 1977, Reg; December 16, 2011, Susp.	.....do .....	Do.
Lake Bridgeport, City of, Wise County ..	481616	N/A, Emerg; October 9, 1990, Reg; December 16, 2011, Susp.	.....do .....	Do.
Rhome, City of, Wise County .....	481054	N/A, Emerg; March 31, 2010, Reg; December 16, 2011, Susp.	.....do .....	Do.

\*-do- = Ditto.

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

Dated: December 6, 2011.

**David L. Miller,**

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

[FR Doc. 2011-32335 Filed 12-15-11; 8:45 am]

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