

permission from the COTP. Spectator vessels may safely transit outside the regulated area but may not anchor, block, loiter in, or impede the transit of participants or official patrol vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 100.1101(a) and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with notification of this enforcement period via the Local Notice to Mariners, marine information broadcasts, local radio stations and area newspapers. If the COTP or his designated representative determines that the regulated area need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: August 26, 2010.

T.H. Farris,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2010-22798 Filed 9-13-10; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3000, 3910, and 3930

[L13100000 PP0000 LLWO310000; L1990000 PO0000 LLWO320000]

RIN 1004-AE18

Minerals Management: Adjustment of Cost Recovery Fees

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule amends the Bureau of Land Management (BLM) mineral resources regulations to update some fees that cover the BLM's cost of processing certain documents relating to its mineral programs and some filing fees for mineral-related documents. These updates include fees for actions such as lease renewals and mineral patent adjudications. This rule also moves the oil shale cost recovery fee

amounts from the rule text to the general cost recovery fee table so that mineral cost recovery fees can be found in one location.

DATES: This final rule is effective October 1, 2010.

FOR FURTHER INFORMATION CONTACT:

Steve Salzman, Chief, Division of Fluid Minerals, (202) 912-7143, or Faith Bremner, Regulatory Affairs Analyst, (202) 912-7441. Persons who use a telecommunications device for the deaf (TDD) may leave a message for these individuals with the Federal Information Relay Service (FIRS) at 1-800-877-8339, 24 hours a day, 7 days a week.

ADDRESSES: You may send inquiries or suggestions to Director (630), Bureau of Land Management, MS-LS 401, 1849 C Street, NW., Washington, DC 20240; Attention: RIN 1004-AE18.

SUPPLEMENTARY INFORMATION:

I. Background

The BLM has specific authority to charge fees for processing applications and other documents relating to public lands under section 304 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1734. In 2005, the BLM published a final cost recovery rule (70 FR 58854) establishing or revising certain fees and service charges, and establishing the method it would use to adjust those fees and service charges on an annual basis.

At 43 CFR 3000.12(a), the regulations provide that the BLM will annually adjust fees established in Subchapter C according to changes in the Implicit Price Deflator for Gross Domestic Product (IPD-GDP), which is published quarterly by the U.S. Department of Commerce. *See also* 43 CFR 3000.10. Because the fee recalculations are simply based on a mathematical formula, we have changed the fees in this final rule without providing opportunity for notice and comment. This final rule will allow the BLM to update these fees and service charges by October 1 of this year, as required by the 2005 regulation. The public had an opportunity to comment on this procedure during the comment period on the original cost recovery rule, and this new rule simply administers the procedure set forth in those regulations. The Department of the Interior, therefore, for good cause finds under 5

U.S.C. 553(b)(B) and (d)(3) that notice and public comment procedures are unnecessary and that the rule may be effective less than 30 days after publication.

II. Discussion of Final Rule

The BLM publishes a fee update rule each year, which becomes effective on October 1 of that year. The fee updates are based on the IPD-GDP for the 4th Quarter of the preceding calendar year. The BLM's most recent fee update rule became effective on October 1, 2009, 74 FR 49330 (Sept. 28, 2009), based on the IPD-GDP for the 4th Quarter of 2008. This fee update rule is based on the IPD-GDP for the 4th Quarter of 2009, thus reflecting the rate of inflation over the four calendar quarters since the 4th Quarter of 2008.

The fee is calculated by applying the IPD-GDP to the base value from the previous year's rule. This results in an updated base value. This updated base value is then rounded to the closest multiple of \$5, or to the nearest cent for fees under \$1, to establish the new fee.

Under this rule, 44 fees will remain the same, and 4 fees will increase, as follows:

(A) The Geothermal Program's lands nomination fee will increase from plus 10 cents per acre to plus 11 cents per acre;

(B) The Solid Minerals (other than Coal and Oil Shale) Program's lease renewal fee will increase from \$480 to \$485;

(C) The Mining Law Administration Program's fee for mineral patent adjudication of more than 10 claims will increase from \$2,820 to \$2,840; and

(D) The Mining Law Administration Program's fee for mineral patent adjudication of 10 or fewer claims will increase from \$1,410 to \$1,420.

In this rule we also moved the cost recovery fees for the oil shale program into the Processing and Filing Fee Table at 43 CFR 3000.12. We added a reference to the fee table in the relevant sections of the rule text at 43 CFR sections 3910.31, 3933.20, and 3933.31. This is an administrative revision for the convenience of the reader and has no substantive effect.

The calculations that resulted in the new fees are included in the table below.

FIXED COST RECOVERY FEES FY11

Document/Action	Existing fee ¹	Existing value ²	IPD-GDP increase ³	New value ⁴	New fee ⁵
Oil & Gas (parts 3100, 3110, 3120, 3130, 3150)					
Noncompetitive lease application	\$ 375	\$ 374.68	\$ 2.55	\$ 377.23	\$ 375
Competitive lease application	145	145.40	0.99	146.39	145
Assignment and transfer of record title or operating rights	85	83.88	0.57	84.45	85
Overriding royalty transfer, payment out of production	10	11.18	0.08	11.26	10
Name change, corporate merger or transfer to heir/devi-see	195	195.72	1.33	197.05	195
Lease consolidation	415	413.82	2.81	416.63	415
Lease renewal or exchange	375	374.68	2.55	377.23	375
Lease reinstatement, Class I	75	72.69	0.49	73.18	75
Leasing under right-of-way	375	374.68	2.55	377.23	375
Geophysical exploration permit application—Alaska	25	25 ⁶
Renewal of exploration permit—Alaska	25	25 ⁷
Geothermal (part 3200)					
Noncompetitive lease application	375	374.68	2.55	377.23	375
Competitive lease application	145	145.40	0.99	146.39	145
Assignment and transfer of record title or operating rights	85	83.88	0.57	84.45	85
Name change, corporate merger or transfer to heir/devi-see	195	195.72	1.33	197.05	195
Lease consolidation	415	413.82	2.81	416.63	415
Lease reinstatement	75	72.69	0.49	73.18	75
Nomination of lands	105	104.69	0.71	105.40	105
plus per acre nomination fee	0.10	0.10469	0.00071	0.10540	0.11
Site license application	55	55.92	0.38	56.30	55
Assignment or transfer of site license	55	55.92	0.38	56.30	55
Coal (parts 3400, 3470)					
License to mine application	10	11.18	0.08	11.26	10
Exploration license application	310	307.57	2.09	309.66	310
Lease or lease interest transfer	60	61.52	0.42	61.94	60
Leasing of Solid Minerals Other Than Coal and Oil Shale (parts 3500, 3580)					
Applications other than those listed below	35	33.55	0.23	33.78	35
Prospecting permit application amendment	60	61.52	0.42	61.94	60
Extension of prospecting permit	100	100.66	0.68	101.34	100
Lease modification or fringe acreage lease	30	27.97	0.19	28.16	30
Lease renewal	480	480.93	3.27	484.20	485
Assignment, sublease, or transfer of operating rights	30	27.97	0.19	28.16	30
Transfer of overriding royalty	30	27.97	0.19	28.16	30
Use permit	30	27.97	0.19	28.16	30
Shasta and Trinity hardrock mineral lease	30	27.97	0.19	28.16	30
Renewal of existing sand and gravel lease in Nevada	30	27.97	0.19	28.16	30
Multiple Use; Mining (part 3700)					
Notice of protest of placer mining operations	10	11.18	0.08	11.26	10
Mining Law Administration (parts 3800, 3810, 3830, 3850, 3860, 3870)					
Application to open lands to location	10	11.18	0.08	11.26	10
Notice of location	15	16.77	0.11	16.88	15
Amendment of location	10	11.18	0.08	11.26	10
Transfer of mining claim/site	10	11.18	0.08	11.26	10
Recording an annual FLPMA filing	10	11.18	0.08	11.26	10
Deferment of assessment work	100	100.66	0.68	101.34	100
Recording a notice of intent to locate mining claims on Stockraising Homestead Act lands	30	27.97	0.19	28.16	30
Mineral patent adjudication:					
(more than 10 claims)	2,820	2,818.47	19.17	2,837.64	2,840
(10 or fewer claims)	1,410	1,409.23	9.58	1,418.81	1,420
Adverse claim	100	100.66	0.68	101.34	100
Protest	60	61.52	0.42	61.94	60
Oil Shale Management (parts 3900, 3910, 3930)					
Exploration license application	295	295	2.01	297.01	295

FIXED COST RECOVERY FEES FY11—Continued

Document/Action	Existing fee ¹	Existing value ²	IPD–GDP increase ³	New value ⁴	New fee ⁵
Application for assignment or sublease of record title or overriding royalty	60	60	0.41	60.41	60

Source for Implicit Price Deflator for Gross Domestic Product data: U.S. Department of Commerce, Bureau of Economic Analysis.

¹ The Existing Fee was established by the 2009 (Fiscal Year 2010) cost recovery fee update rule published September 28, 2009 (74 FR 49330), effective October 1, 2009.

² The Existing Value is the figure from the New Value column in the previous year's rule. In the case of fees that were not in the table the previous year, or that had no figure in the New Value column the previous year, the Existing Value is the same as the Existing Fee.

³ From 4th Quarter 2008 to 4th Quarter 2009, the IPD–GDP increased by 0.68 percent. The value in the IPD–GDP Increase column is 0.68 percent of the Existing Value.

⁴ The sum of the Existing Value and the IPD–GDP Increase is the New Value.

⁵ The New Fee for 2011 is the New Value rounded to the nearest \$5 for values equal to or greater than \$1, or to the nearest penny for values under \$1.

⁶ Section 365 of the Energy Policy Act of 2005 (Pub. L. 109–58) directed in subsection (i) that “the Secretary shall not implement a rulemaking that would enable an increase in fees to recover additional costs related to processing drilling-related permit applications and use authorizations.” In the 2005 cost recovery rule, the BLM interpreted this prohibition to apply to geophysical exploration permits. 70 FR 58854–58855. While the \$25 fees for geophysical exploration permit applications for Alaska and renewals of exploration permits for Alaska pre-dated the 2005 cost recovery rule and were not affected by the Energy Policy Act prohibition, we interpret the provision quoted as prohibiting us from increasing this \$25 fee.

⁷ We interpret the Energy Policy Act prohibition discussed in footnote 6, above, as prohibiting us from increasing this \$25 fee, as well.

III. How Fees Are Adjusted

Each year, the figures in the Existing Value column in the table above, not those in the Existing Fee column, are used as the basis for calculating the adjustment to these fees. The Existing Value is the figure from the New Value column in the previous year's rule. In the case of fees that were not in the table the previous year, or that had no figure in the New Value column the previous year, the Existing Value is the same as the Existing Fee. Because in setting the fees, values are rounded to the nearest \$5, or the nearest penny for fees under \$1, adjustments based on the figures in the Existing Fee column would lead to significantly over-or-under-valued fees over time. Fee adjustments are made by multiplying the annual change in the IPD–GDP by the figure in the Existing Value column. This calculation defines a new value for this year, which is then rounded to the nearest \$5, or the nearest penny for fees under \$1, to establish the new fee.

IV. Procedural Matters

Regulatory Planning and Review (Executive Order 12866)

This document is not a significant rule and the Office of Management and Budget has not reviewed this rule under Executive Order 12866.

The BLM has determined that the rule will not have an annual effect on the economy of \$100 million or more. It will not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities. The changes in today's rule are much smaller than those in the 2005 final rule, which did not approach

the threshold in Executive Order 12866. For instructions on how to view a copy of the analysis prepared in conjunction with the 2005 final rule, please contact one of the persons listed in the **FOR FURTHER INFORMATION CONTACT** section, above.

This rule will not create inconsistencies or otherwise interfere with an action taken or planned by another agency. This rule does not change the relationships of the onshore minerals programs with other agencies' actions. These relationships are included in agreements and memoranda of understanding that would not change with this rule.

In addition, this final rule does not materially affect the budgetary impact of entitlements, grants, or loan programs, or the rights and obligations of their recipients. This rule does apply an inflation factor that increases a handful of existing user fees for processing documents associated with the onshore minerals programs. However, most of these fee increases are less than 1 percent and none of the increases materially affects the budgetary impact of user fees.

Finally, this rule will not raise novel legal issues. As explained above, this rule simply implements an annual process to account for inflation that was proposed and explained in the 2005 cost recovery rule.

The Regulatory Flexibility Act

This final rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A Regulatory Flexibility Analysis is not required. Accordingly, a Small Entity Compliance Guide is not required. For the purposes

of this section, a small entity is defined by the Small Business Administration (SBA) for mining (broadly inclusive of metal mining, coal mining, oil and gas extraction, and the mining and quarrying of nonmetallic minerals) as an individual, limited partnership, or small company considered to be at arm's length from the control of any parent companies, with fewer than 500 employees. The SBA defines a small entity differently, however, for leasing Federal land for coal mining. A coal lessee is a small entity if it employs not more than 250 people, including people working for its affiliates.

The SBA would consider many, if not most, of the operators the BLM works with in the onshore minerals programs to be small entities. The BLM notes that this final rule does not affect service industries, for which the SBA has a different definition of “small entity.”

The final rule will not affect a large number of small entities since only four fees for activities on public lands will be increased. We have concluded that the effects will not be significant. Only 4 out of 48 fees will be adjusted upward, and most of the fixed fee increases will be less than 1 percent as a result of this final rule. For the 2005 final rule, the BLM completed a threshold analysis which is available for public review in the administrative record for that rule. (For instructions on how to view a copy of that analysis, please contact one of the persons listed in the **FOR FURTHER INFORMATION CONTACT** section, above.) The analysis for the 2005 rule concluded that the fees would not have a significant economic effect on a substantial number of small entities. The fee increases implemented in today's rule are substantially smaller than those provided for in the 2005 rule.

The Small Business Regulatory Enforcement Fairness Act

This final rule is not a “major rule” as defined at 5 U.S.C. 804(2). The final rule will not have an annual effect on the economy greater than \$100 million; it will not result in major cost or price increases for consumers, industries, government agencies, or regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. For the 2005 final rule, which established the fee adjustment procedure that this rule implements, the BLM completed a threshold analysis, which is available for public review in the administrative record for that rule. The fee increases implemented in today’s rule are substantially smaller than those provided for in the 2005 rule.

Executive Order 13132, Federalism

This final rule will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. In accordance with Executive Order 13132, therefore, we find that the final rule does not have significant federalism effects. A federalism assessment is not required.

The Paperwork Reduction Act of 1995

These regulations contain information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the BLM submitted a copy of the proposed information collection requirements to the Office of Management and Budget (OMB) for review. The OMB approved the information collection requirements under the following Control Numbers:

Oil and Gas

(1) 1004–0034 which expires July 31, 2012;

(2) 1004–0137 which expires September 30, 2010, renewal pending;

(3) 1004–0162 which expires May 31, 2012;

(4) 1004–0185 which expires November 30, 2012;

Geothermal

(5) 1004–0132 which expires September 30, 2010, renewal pending;

Coal

(6) 1004–0073 which expires June 30, 2013;

Mining Claims

(7) 1004–0025 which expires March 31, 2013;

(8) 1004–0114 which expires August 31, 2013; and

Leasing of Solid Minerals Other Than Oil Shale

(9) 1004–0121 which expires February 28, 2013.

Takings Implication Assessment (Executive Order 12630)

As required by Executive Order 12630, the Department of the Interior has determined that this rule will not cause a taking of private property. No private property rights will be affected by a rule that merely updates service fees. The Department therefore certifies that this final rule does not represent a governmental action capable of interference with constitutionally protected property rights.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the BLM finds that this final rule will not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

The National Environmental Policy Act (NEPA)

The BLM has determined that this final rule is administrative and involves only procedural changes addressing fee requirements. In promulgating this rule, the government is conducting routine and continuing government business of an administrative nature having limited context and intensity. Therefore, it is categorically excluded from environmental review under section 102(2)(C) of NEPA, pursuant to 43 CFR 46.205 and 46.210(c) and (i). The final rule does not meet any of the 10 criteria for exceptions to categorical exclusions listed at 43 CFR 46.215.

Pursuant to Council on Environmental Quality regulation (40 CFR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term “categorical exclusions” means categories of actions which do not individually or cumulatively have a significant effect on the human environment and which have been determined to have no such effect on procedures adopted by a Federal agency, and therefore require neither an environmental assessment nor an environmental impact statement.

The Unfunded Mandates Reform Act of 1995

The BLM has determined that this final rule is not significant under the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*, because it will not result in State, local, private sector, or Tribal government expenditures of \$100 million or more in any one year, 2 U.S.C. 1532. This rule will not significantly or uniquely affect small governments. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act.

Consultation and Coordination With Indian Tribal Governments (Executive Order 13175)

In accordance with Executive Order 13175, the BLM has determined that this final rule does not include policies that have Tribal implications. A key factor is whether the rule would have substantial direct effects on one or more Indian Tribes. The BLM has not found any substantial direct effects. Consequently, the BLM did not utilize the consultation process set forth in Section 5 of the Executive Order.

Information Quality Act

In developing this rule, the BLM did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Pub. L. 106–554).

Effects on the Nation’s Energy Supply (Executive Order 13211)

In accordance with Executive Order 13211, the BLM has determined that this final rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The distribution of or use of energy would not be unduly affected by this final rule. It merely adjusts certain administrative cost recovery fees to account for inflation.

Author

The principal author of this rule is Faith Bremner of the Division of Regulatory Affairs, Bureau of Land Management.

List of Subjects

43 CFR Part 3000

Public lands—mineral resources, Reporting and recordkeeping requirements.

43 CFR Part 3910

Environmental protection, Exploration licenses, Intergovernmental relations, Oil shale reserves, Public lands—mineral resources, Reporting and recordkeeping requirements.

43 CFR Part 3930

Administrative practice and procedure, Environmental protection, Mineral royalties, Oil shale reserves, Public lands—mineral resources, Reporting and recordkeeping requirements, Surety bonds.

Ned Farquhar,

Deputy Assistant Secretary, Land and Minerals Management.

■ For reasons stated in the preamble, the Bureau of Land Management amends 43 CFR Chapter II as follows:

**PART 3000—MINERALS
MANAGEMENT: GENERAL**

■ 1. The authority citation for part 3000 continues to read as follows:

Authority: 16 U.S.C. 3101 *et seq.*; 30 U.S.C. 181 *et seq.*, 301–306, 351–359, and 601 *et seq.*; 31 U.S.C. 9701; 40 U.S.C. 471 *et seq.*; 42 U.S.C. 6508; 43 U.S.C. 1701 *et seq.*; and Pub. L. 97–35, 95 Stat. 357.

Subpart 3000—General

■ 2. Amend § 3000.12 by revising paragraph (a) and the table following paragraph (b) to read as follows:

§ 3000.12 What is the fee schedule for fixed fees?

(a) The table in this section shows the fixed fees that you must pay to BLM for the services listed for Fiscal Year 2011. These fees are nonrefundable and must be included with documents you file under this chapter. Fees will be adjusted

annually according to the change in the Implicit Price Deflator for Gross Domestic Product (IPD–GDP) by way of publication of a final rule in the **Federal Register**, and will subsequently be posted on the BLM Web site (<http://www.blm.gov>) before October 1 each year. Revised fees are effective each year on October 1.

* * * * *

(b) * * *

FY 2011 PROCESSING AND FILING FEE TABLE

Document/action	FY 2011 fee
Oil & Gas (parts 3100, 3110, 3120, 3130, 3150)	
Noncompetitive lease application	\$375
Competitive lease application	145
Assignment and transfer of record title or operating rights	85
Overriding royalty transfer, payment out of production	10
Name change, corporate merger or transfer to heir/devisee	195
Lease consolidation	415
Lease renewal or exchange	375
Lease reinstatement, Class I	75
Leasing under right-of-way	375
Geophysical exploration permit application—Alaska	25
Renewal of exploration permit—Alaska	25
Geothermal (part 3200)	
Noncompetitive lease application	375
Competitive lease application	145
Assignment and transfer of record title or operating rights	85
Name change, corporate merger or transfer to heir/devisee	195
Lease consolidation	415
Lease reinstatement	75
Nomination of lands	105
plus per acre nomination fee	0.11
Site license application	55
Assignment or transfer of site license	55
Coal (parts 3400, 3470)	
License to mine application	10
Exploration license application	310
Lease or lease interest transfer	60
Leasing of Solid Minerals Other Than Coal and Oil Shale (parts 3500, 3580)	
Applications other than those listed below	35
Prospecting permit application amendment	60
Extension of prospecting permit	100
Lease modification or fringe acreage lease	30
Lease renewal	485
Assignment, sublease, or transfer of operating rights	30
Transfer of overriding royalty	30
Use permit	30
Shasta and Trinity hardrock mineral lease	30
Renewal of existing sand and gravel lease in Nevada	30
Multiple Use; Mining (part 3730)	
Notice of protest of placer mining operations	10

FY 2011 PROCESSING AND FILING FEE TABLE—Continued

Document/action	FY 2011 fee
Mining Law Administration (parts 3800, 3810, 3830, 3850, 3860, 3870)	
Application to open lands to location	10
Notice of location *	15
Amendment of location	10
Transfer of mining claim/site	10
Recording an annual FLPMA filing	10
Deferment of assessment work	100
Recording a notice of intent to locate mining claims on Stockraising Homestead Act lands	30
Mineral patent adjudication	2,840 (more than 10 claims) 1,420 (10 or fewer claims)
Adverse claim	100
Protest	60
Oil Shale Management (parts 3900, 3910, 3930)	
Exploration license application	295
Application for assignment or sublease of record title or overriding royalty	60

* To record a mining claim or site location, you must pay this processing fee along with the initial maintenance fee and the one-time location fee required by statute. 43 CFR part 3833.

PART 3910—OIL SHALE EXPLORATION LICENSES

■ 3. The authority citation for part 3910 continues to read as follows:

Authority: 25 U.S.C. 396(d) and 2107, 30 U.S.C. 241(a), 42 U.S.C. 15927, 43 U.S.C. 1732(b) and 1740.

Subpart 3910—Exploration Licenses

■ 4. Amend § 3910.31 by revising paragraph (b)(2) to read as follows:

§ 3910.31 Filing of an application for an exploration license.

* * * * *

(b) * * *

(2) The filing fee for an exploration license application found in the fee schedule in § 3000.12 of this chapter;

* * * * *

PART 3930—MANAGEMENT OF OIL SHALE EXPLORATION AND LEASES

■ 5. The authority citation for part 3930 continues to read as follows:

Authority: 25 U.S.C. 396d and 2107, 30 U.S.C. 241(a), 42 U.S.C. 15927, 43 U.S.C. 1732(b), 1733, and 1740.

Subpart 3933—Assignments and Subleases

■ 6. Amend § 3933.20 by revising the first sentence of the section to read as follows:

§ 3933.20 Filing fees.

Each application for assignment or sublease of record title or overriding royalty must include the filing fee found

in the fee schedule in § 3000.12 of this chapter. * * *

■ 7. Amend § 3933.31 by revising paragraph (b)(3) to read as follows:

§ 3933.31 Record title assignments.

* * * * *

(b) * * *

(3) The filing fee found in the fee schedule in § 3000.12 of this chapter.

* * * * *

[FR Doc. 2010-22885 Filed 9-13-10; 8:45 am]

BILLING CODE 4310-84-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-8149]

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