

398-6222, email [Hal.R.Pitts@uscg.mil](mailto:Hal.R.Pitts@uscg.mil). If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The North Carolina Department of Transportation, who owns and operates the Isabel S. Holmes Bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.829(a), to facilitate the annual Beach2Battleship Iron and Half-Iron Distance Triathlons.

Under the normal operating schedule for the Isabel S. Holmes Bridge across the Northeast Cape Fear River, mile 1.0, at Wilmington, NC in 33 CFR 117.829(a); the draw will be closed to pleasure craft from 6 a.m. to 6 p.m. every day except at 10 a.m. and 2 p.m. when the draw will open for all waiting vessels; the draw will open on signal for Government and commercial vessels at all times; the draw will open for all vessels on signal from 6 p.m. to 6 a.m. The bridge has a vertical clearance in the closed-to-navigation position of 40 feet above mean high water.

Under this temporary deviation, the bridge will be closed to navigation from 9:30 a.m. to 6 p.m. on October 17, 2015. The Northeast Cape Fear River is used by a variety of vessels including small commercial fishing vessels, recreational vessels and tug and barge. The Coast Guard has carefully coordinated the restrictions with commercial and recreational waterway users.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will be able to open for emergencies and there is no alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: August 19, 2015.

**Hal R. Pitts,**

*Bridge Program Manager, Fifth Coast Guard District.*

[FR Doc. 2015-20913 Filed 8-24-15; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2012-0900]

#### Safety Zone, Coast Guard Exercise Area, Hood Canal, Washington

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the safety zone around vessels involved in Coast Guard training exercises in Hood Canal, WA from September 23, 2015 through September 24, 2015, unless cancelled sooner by the Captain of the Port. This is necessary to ensure the safety of the maritime public and vessels participating in these exercises. During the enforcement period, entry into this zone is prohibited unless authorized by the Captain of the Port or his Designated Representative.

**DATES:** The regulations in 33 CFR 165.1339 will be enforced from 12:01 a.m. on September 23, 2015 through 11:59 p.m. on September 24, 2015, unless cancelled sooner by the Captain of the Port.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email LT Kate Haseley, Sector Puget Sound Waterways Management Division, Coast Guard; telephone 206-217-6051, email [SectorPugetSoundWWM@uscg.mil](mailto:SectorPugetSoundWWM@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone around vessels involved in Coast Guard training exercises in Hood Canal, WA set forth in 33 CFR 165.1339, from 12:01 a.m. on September 23, 2015 through 11:59 p.m. on September 24, 2015, unless cancelled sooner by the Captain of the Port. Under the provisions of 33 CFR 165.1339, no person or vessel may enter or remain within 500 yards of any vessel involved in Coast Guard training exercises while such vessel is transiting Hood Canal, WA between Foul Weather Bluff and the entrance to Dabob Bay, unless authorized by the Captain of the Port or his Designated Representative. In addition, the regulation establishes requirements for all vessels to obtain permission for entry during the enforcement period by contacting the on-scene patrol commander on VHF channel 13 or 16, or the Sector Puget Sound Joint Harbor Operations Center at 206-217-6001. Members of the maritime public will be able to identify participating vessels as those flying the

Coast Guard Ensign. The COTP may also be assisted in the enforcement of the zone by other federal, state, or local agencies.

This notice is issued under authority of 33 U.S.C. 165.1339 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 marine information broadcasts and on-scene assets. If the COTP determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: August 10, 2015.

**M.W. Raymond**

*Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.*

[FR Doc. 2015-21012 Filed 8-24-15; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R10-OAR-2013-0005; FRL-9932-40-Region 10]

#### Approval and Promulgation of Implementation Plans; Klamath Falls, Oregon Nonattainment Area; Fine Particulate Matter Emissions Inventory and SIP Strengthening Measures

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the Oregon Department of Environmental Quality (ODEQ) on December 12, 2012 to address Clean Air Act (CAA) requirements for the Klamath Falls, Oregon nonattainment area for the 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standard (NAAQS). Specifically, the EPA is approving the emissions inventory contained in the ODEQ's submittal as meeting the requirement to submit a comprehensive, accurate, and current inventory of direct PM<sub>2.5</sub> and PM<sub>2.5</sub> precursor emissions in Klamath Falls, Oregon. The EPA also is approving and incorporating by reference PM<sub>2.5</sub> control measures contained in the December 12, 2012, submittal because incorporation of these measures will strengthen the Oregon SIP and are designed to reduce PM<sub>2.5</sub> emissions in the Klamath Falls, Oregon nonattainment area (Klamath Falls

NAA) that contribute to violations of the 2006 PM<sub>2.5</sub> NAAQS.

**DATES:** This final rule is effective on September 24, 2015.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2013-0005. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Programs Unit, Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Justin A. Spenillo at (206) 553-6125, [spenillo.justin@epa.gov](mailto:spenillo.justin@epa.gov), or the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean the EPA.

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- I. Background
- II. Final Action
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### I. Background

Detailed information on the history of the PM<sub>2.5</sub> NAAQS as it relates to the Klamath Falls NAA was included in the EPA’s proposal for this action (79 FR 78372, December 30, 2014). The proposal explained how the ODEQ met its obligation under CAA section 172(c)(3) for submission of a comprehensive, accurate, and current inventory of actual emissions as submitted in its December 12, 2012 SIP submittal. The proposal analyzed the SIP strengthening measures designed to reduce emissions in the Klamath Falls NAA that contribute to violations of the 2006 PM<sub>2.5</sub> NAAQS. The EPA proposed to approve both the baseline emissions inventory and SIP strengthening measures included the December 12, 2012 SIP revision, consistent with sections 110 and 172 of the CAA.

The comment period on our proposed approval ended January 29, 2015 and we did not receive any comments on the proposal. We are therefore finalizing our approval. The primary element of the Klamath County Clean Air Ordinance 63.06 to help ensure attainment and maintenance of the NAAQS is the episodic curtailment program which restricts the use of woodstoves and fireplaces on days that are conducive to the buildup of PM<sub>2.5</sub> concentrations. The curtailment program restricts the use of woodstoves and fireplaces as described in the proposed **Federal Register** notice for this action.

In addition to the episodic curtailment program, the ordinance includes provisions that impose restrictions on what can be burned in woodstoves and fireplaces at any time. The ordinance requires that only seasoned wood, specifically dry, seasoned cordwood, pressed sawdust logs, organic charcoal or pellets specifically manufactured for the appliance, be burned in solid fuel-fired appliances. The rules and ordinance also specifically prohibit the burning of garbage and other named prohibited materials. These material restrictions control the PM<sub>2.5</sub> emissions from woodstoves and fireplaces on a continuous basis, whereas the episodic curtailment program imposes additional restrictions on the use of woodstoves and fireplaces only when necessary to address the potential buildup of PM<sub>2.5</sub> concentrations.

As mentioned in the **Federal Register** notice for the proposed action, the ordinance prohibits emissions from solid fuel-fired appliances with an opacity greater than 20% for a period or periods aggregating more than three minutes in any one hour period. This provision provides a visual indicator for the proper operation of a solid fuel-fired appliance, including the use of properly seasoned wood. The opacity limit applies at all times except during the ten-minute startup period. However, during those times, the episodic curtailment program and other restrictions regulating fuel contained in the provisions described above continue to apply, as clarified in the June 17, 2015 letter from David Collier (Air Quality Planning Manager, Oregon Department of Environmental Quality), available in the docket.

Accordingly, this combination of provisions constitutes continuous emission limitations, consistent with Federal Clean Air Act requirements. Specifically, reliance on the episodic curtailment program and other provisions regulating fuel described above serves as an adequate alternative

emission limit during the starting of fires in solid fuel-fired appliances, when use of the 20% opacity limits would be infeasible. Reliance on those requirements during startup periods is limited and specific to the operation of solid fuel-fired appliances, minimizes the frequency and duration of those periods, and minimizes the impact of emissions on ambient air quality during those periods, while the episodic curtailment program ensures that emission impacts are avoided during potential worst-case periods. While EPA’s guidance on alternative emission limits also specifies that the owner or operator’s actions during startup and shutdown periods be documented by properly signed, contemporaneous operating logs or other relevant evidence, we do not think it is reasonable to apply that element of the guidance in this case, because we conclude it would be an unreasonable burden to impose this recordkeeping requirement for individual home heating situations. See 80 FR 33840 (June 12, 2015). [relevant discussion is on page 278–279 of the notice available at <http://www.epa.gov/airquality/urbanair/sipstatus/docs/20150522fr.pdf>].

### II. Final Action

The EPA approves the emissions inventory for the Klamath Falls NAA, submitted by ODEQ on December 12, 2012, as meeting the emissions inventory requirements of section 172(c)(3) of the CAA for 2006 PM<sub>2.5</sub> 24-hr NAAQS nonattainment area planning. The EPA also approves and incorporates by reference into the Oregon SIP the specific control measures submitted by the ODEQ on December 12, 2012, to the extent set forth in this final rule. The EPA will take action on remaining aspects of the December 12, 2012 submittal by the ODEQ in a forthcoming proposal.

### III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Oregon Administrative Rules and Klamath County ordinances described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

**IV. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond 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 Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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 this action does not involve technical standards; and
- does not provide the 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).

The SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and it will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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. The 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 October 26, 2015. 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. 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, Incorporation by

reference, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: August 4, 2015.

**Dennis J. McLerran,**

*Regional Administrator, EPA Region 10.*

40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

■ 1. The authority citation for Part 52 continues to read as follows:

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

**Subpart MM—Oregon**

■ 2. In § 52.1970, paragraph (c):

■ a. Table 2—EPA Approved Oregon Administrative Rules (OAR) is amended by:

- i. Revising the entries for 204-0010, 225-0090, 240-0010, and 240-0030;
  - ii. Adding a header titled "Klamath Falls Nonattainment Area" after the entry for 240-0440 and adding entries for 240-0500, 240-0510, 240-0520, 240-0530, 240-0540, and 240-0550 in numerical order;
  - iii. Adding a header titled "Real and Permanent PM<sub>2.5</sub> and PM<sub>10</sub> Offsets" after the entry for 240-0550 and adding an entry for 240-0560 in numerical order;
  - iv. Revising the entries for 264-0040, 264-0078, 264-0080, and 264-0100; and
  - v. Adding in numerical order an entry for 264-0175.
- b. Table 3—EPA Approved City and County Ordinances is amended by:
- i. Removing the entry for Klamath County Clean Air Ordinance 63; and
  - ii. Adding an entry for Klamath County Clean Air Ordinance No. 63.06 at the end of the table.

The revisions and additions read as follows:

**§ 52.1970 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)

State citation	Title/subject	State effective date	EPA approval date	Explanations
204-0010	Definitions	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
225-0090	Requirements for Demonstrating a Net Air Quality Benefit.	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	Except (2)(a)(C).

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
* * *	* * *	* * *	* * *	* * *
240-0010 .....	Purpose .....	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
* * *	* * *	* * *	* * *	* * *
240-0030 .....	Definitions .....	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
* * *	* * *	* * *	* * *	* * *
<b>Klamath Falls Nonattainment Area</b>				
240-0500 .....	Applicability .....	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
240-0510 .....	Opacity Standard .....	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
240-0520 .....	Control of Fugitive Emissions .....	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
240-0530 .....	Requirements for Operation and Maintenance Plans.	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
240-0540 .....	Compliance Schedule for Existing Industrial Sources.	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
240-0550 .....	Requirements for New Sources When Using Residential Wood Fuel-Fired Device Offsets.	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
<b>Real and Permanent PM<sub>2.5</sub> and PM<sub>10</sub> Offsets</b>				
240-0560 .....	Real and Permanent PM <sub>2.5</sub> and PM <sub>10</sub> Offsets	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
* * *	* * *	* * *	* * *	* * *
264-0040 .....	Exemptions, Statewide .....	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
* * *	* * *	* * *	* * *	* * *
264-0078 .....	Open Burning Control Areas .....	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
264-0080 .....	County Listing of Specific Open Burning Rules.	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
* * *	* * *	* * *	* * *	* * *
264-0100 .....	Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties.	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
* * *	* * *	* * *	* * *	* * *
264-0175 .....	Klamath County .....	12/11/2012	08/25/2015 [Insert <b>Federal Register</b> citation]	
* * *	* * *	* * *	* * *	* * *

TABLE 3—EPA APPROVED CITY AND COUNTY ORDINANCES

Agency and ordinance	Title or subject	Date	EPA approval date	Explanation
* * *	* * *	* * *	* * *	* * *
Klamath County Ordinance 63.06.	Chapter 406—Klamath County Clean Air Ordinance 63.06.	12/31/2012	08/25/2015 [Insert <b>Federal Register</b> citation].	Except 406.300 and 406.400 Klamath Falls PM <sub>2.5</sub> Attainment Plan.

\* \* \*

[FR Doc. 2015-20903 Filed 8-24-15; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**
**Centers for Medicare & Medicaid Services**
**42 CFR Part 414**
**Payment for Part B Medical and Other Health Services**
*CFR Correction*

■ In Title 42 of the Code of Federal Regulations, Parts 414 to 429, revised as of October 1, 2014, on page 21, in § 414.60, correct paragraph (a)(1) to read as follows:

**§ 414.60 Payment for the services of CRNAs.**

(a) \* \* \*

(1) The allowance for an anesthesia service furnished by a medically directed CRNA is based on a fixed percentage of the allowance recognized for the anesthesia service personally performed by the physician alone, as specified in § 414.46(d)(3); and

\* \* \* \* \*

[FR Doc. 2015-21003 Filed 8-24-15; 8:45 am]

BILLING CODE 1505-01-D

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**
**Centers for Medicare & Medicaid Services**
**42 CFR Part 476**
**Quality Improvement Organization Review**
*CFR Correction*

In Title 42 of the Code of Federal Regulations, Parts 430 to 481, revised as of October 1, 2014, on page 591, in § 476.80, make the following changes:

■ 1. In paragraphs (a)(1), (a)(2) introductory text (two places), (c)(3)(ii), (d)(1), and (d)(2), remove the phrase “fiscal intermediary or carrier” and add the phrase “Medicare administrative contractor, fiscal intermediary, or carrier” in its place.

■ 2. In the heading for paragraph (e), and in paragraphs (c)(1) and (c)(2), remove the phrase “fiscal intermediary” and add the phrase “Medicare administrative contractor or fiscal intermediary” in its place.

[FR Doc. 2015-20993 Filed 8-24-15; 8:45 am]

BILLING CODE 1505-01-D

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

[Docket ID FEMA-2015-0001; Internal Agency Docket No. FEMA-8395]

**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. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at <http://www.fema.gov/fema/csb.shtm>.

**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 Bret Gates, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4133.

**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 measures 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 to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such 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 procedures 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.