

(1) Rule 2.14, adopted on November 14, 2001.

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(297) \* \* \*

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(5) Rule 74.2, adopted on November 13, 2001.

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(E) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 4601, adopted on October 31, 2001.

(F) Santa Barbara County Air Pollution Control District.

(1) Rule 323, adopted on November 15, 2001.

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(300) \* \* \*

(i) \* \* \*

(B) Bay Area Air Quality Management District.

(1) Rule 8-3, adopted on November 21, 2001.

(C) Monterey Bay Unified Air Pollution Control District.

(1) Rule 426, adopted on April 17, 2002.

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(315) \* \* \*

(i) \* \* \*

(C) Mojave Desert Air Quality Management District.

(1) Rule 1113, adopted on February 24, 2003.

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[FR Doc. 03-32212 Filed 12-31-03; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 64**

[Docket No. FEMA-7823]

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**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 suspended 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floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Mike Grimm, Mitigation Division, 500 C Street, SW.; Room 412, Washington, DC 20472, (202) 646-2878.

**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 National Flood Insurance Program, 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 *et seq.* 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, the Federal Emergency Management Agency has identified the special flood hazard areas 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 the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency'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 a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been 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 they take remedial action.

*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.

*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.*

*Executive Order 12612, Federalism.* This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

*Executive Order 12778, Civil Justice Reform.* This rule meets the applicable

standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

**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 special flood hazard areas
<b>Region II</b>				
New York: Dover, Town of, Dutchess County.	361335	Mar. 22, 1976, Emerg.; Aug. 15, 1984, Reg.; Jan. 2, 2004, Susp.	Jan. 2, 2004 .....	Jan. 2, 2004.
<b>Region I</b>				
Massachusetts: Chelmsford, Town of, Middlesex County.	250188	Dec. 6, 1973, Emerg.; June 4, 1980, Reg.; Jan. 16, 2004, Susp.	Jan. 16, 2004 ...	Jan. 16, 2004.
<b>Region IV</b>				
North Carolina:				
Columbia, Town of, Tyrrell County .....	370233	June 27, 1975, Emerg.; Aug. 5, 1985, Reg.; Jan. 16, 2004, Susp.	.....do* .....	Do.
Franklin County, Unincorporated Areas	370377	Feb. 21, 1997, Emerg.; May 1, 2000, Reg.; Jan. 16, 2004, Susp.	.....do .....	Do.
Franklinton, Town of, Franklin County ..	370497	July 30, 1997, Emerg.; Jan. 19, 2001, Reg.; Jan. 16, 2004, Susp.	.....do .....	Do.
Louisburg, Town of, Franklin County ....	370098	June 17, 1975, Emerg.; Mar. 4, 1988, Reg.; Jan. 16, 2004, Susp.	.....do .....	Do.
Youngsville, Town of, Franklin County ..	370494	June 30, 1997, Emerg.; Jan. 19, 2001, Reg.; Jan. 16, 2004, Susp.	.....do .....	Do.
<b>Region VII</b>				
Nebraska:				
Axtell, Village of, Kearney County .....	310344	Feb. 24, 1994, Reg.; Jan. 16, 2004, Susp ..	.....do .....	Do.
Kearney County, Unincorporated Areas	310448	July 30, 1999, Emerg.; Jan. 16, 2004, Reg.; Jan. 16, 2004, Susp.	.....do .....	Do.
Minden, City of, Kearney County .....	310389	Oct. 7, 1975, Emerg.; Sept. 24, 1984, Reg.; Jan. 16, 2004, Susp.	.....do .....	Do.

\*do, Do=Ditto

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

**Anthony S. Lowe,**

*Mitigation Division Director, Emergency Preparedness and Response Directorate.*

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