

- Lessors of Real Estate (NAICS code 5311), e.g., Former and existing facilities with surfaces contaminated by PCBs.

- Professional, Scientific and Technical Services (NAICS code 54), e.g., Testing laboratories, environmental consulting.

- Waste Treatment and Disposal (NAICS code 5622), e.g., Former and existing facilities with surfaces contaminated by PCBs.

- Repair and Maintenance (NAICS code 811), e.g., Repair and maintenance of appliances, machinery, and equipment.

- Public Administration (NAICS code 92), e.g., Federal, State, and local agencies.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in Unit II. If you have any questions regarding the applicability of this action to a particular entity, consult either technical person listed under **FOR FURTHER INFORMATION CONTACT**.

#### *B. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2004-0123. Publicly available docket materials are available electronically at <http://www.regulations.gov> or in hard copy at the OPPT Docket, EPA Docket Center (EPA/DC), EPA West, Rm. B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr>.

#### **II. What Action is the Agency Taking?**

This action announces the availability of a guidance document entitled, *Polychlorinated Biphenyl (PCB) Site*

*Revitalization Guidance Under the Toxic Substances Control Act (TSCA)*. This guidance document was developed to provide assistance to individuals who need to navigate the TSCA PCB regulations for the requirements applicable to the cleanup and disposal of PCB remediation waste. As guidance, this document presents existing requirements and is not intended to impose any new requirements. The primary focus of this guidance is the self-implementing aspects of the PCB remediation waste provision at 40 CFR 761.61 which governs the management of PCB waste generated as the result of PCB spills and associated cleanup activities.

Polychlorinated biphenyls are a class of 209 synthetic compounds which have no known counterpart in the natural environment. They were first manufactured for commercial use in 1929 under the brand name "Arochlor." PCBs have been used in many electrical devices due to their superior cooling, insulating, and dielectric properties. In addition, PCBs have been used in various products for example as plasticizers, pesticide extenders, flame retardants and fillers. The unique combination of physical and chemical properties of PCBs, which made them so valuable commercially, are the same traits that make releases environmentally detrimental (e.g., very stable compounds which resist breakdown from high temperatures and aging; are not biodegradable and are therefore persistent in the environment; are not considered volatile; are odorless unless mixed with other solvents and additives). The Toxic Substances Control Act, enacted October 1976, mandated specific prohibitions and/or restrictions on the manufacture, processing, use, and distribution in commerce of PCBs, and any combination of those activities (see section 6(e) of TSCA). Regulations implementing these requirements are promulgated at 40 CFR part 761.

The Agency anticipates this guidance will be beneficial to individuals who want to use the self-implementing cleanup procedures and to State environmental officials who are implementing voluntary cleanup and response programs, and seek to be in compliance with the Federal requirements under TSCA for PCB remediation waste management activities. Finally, the guidance document provides EPA's interpretation of the use authorization for contaminated porous surfaces at 40 CFR 761.30(p) in light of the Court's ruling in *Utility Solid Waste Activities Group v. EPA*, 236 F.3d 749 (D.C. Circuit 2001)

(USWAG). In USWAG, the Court vacated a technical amendment to the use authorization for porous surfaces because the amendment was not promulgated through notice and comment rulemaking (see the **Federal Register** of June 20, 2003 (68 FR 36927) (FRL-7314-2) for additional background information). In the future, EPA plans to initiate notice and comment rulemaking to further clarify the applicability of the use authorization for contaminated porous surfaces.

Copies of the guidance document are available from these sources:

1. The Agency's PCB website at <http://www.epa.gov/pcb> under "Interpretive Guidance."

2. <http://www.regulations.gov>.

3. The TSCA Assistance Information Service (TAIS), call (202) 554-1404 or send an e-mail to [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

4. Either technical person listed under **FOR FURTHER INFORMATION CONTACT**.

#### **List of Subjects in 40 CFR Part 761**

Environmental protection, Hazardous substances, Labeling, Polychlorinated biphenyls (PCBs), Reporting and recordkeeping requirements.

Dated: March 23, 2006.

**Susan B. Hazen,**

*Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.*  
[FR Doc. 06-3206 Filed 4-3-06; 8:45 am]

**BILLING CODE 6560-50-S**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Federal Emergency Management Agency**

#### **44 CFR Part 64**

[Docket No. FEMA-7784]

#### **List of Communities Eligible for the Sale of Flood Insurance**

**AGENCY:** Mitigation Division, Federal Emergency Management Agency (FEMA), Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities that are participating and suspended from the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of

properties located in the communities listed below.

**DATES:** The effective date for each community is listed in the fourth column of the following tables.

**ADDRESSES:** Flood insurance policies for properties located in the communities listed below can be obtained from any licensed property insurance agent or broker serving the eligible community or from the NFIP by calling 1-800-638-6620.

**FOR FURTHER INFORMATION CONTACT:** William H. Lesser, Mitigation Division, 500 C Street, SW., Room 412, Washington, DC 20472, (202) 646-2807.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance that is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Because the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for properties in these communities.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in some of these communities by

publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 202 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4016(a), requires the purchase of flood insurance as a condition of Federal or Federally-related financial assistance for acquisition or construction of buildings in the SFHAs shown on the map.

The Administrator finds that delayed effective dates would be contrary to the public interest and that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

**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 certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule creates no additional burden, but lists those

communities eligible for the sale of flood insurance.

**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.*

**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 is revised 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]**

■ The tables published under the authority of § 64.6 are amended as follows:

State	Location	Community No.	Effective date of eligibility	Current effective map date
<b>New Eligibles: Emergency Program</b>				
<b>Region VII</b>				
Iowa	Prescott, City of, Adams County.	190004	October 12, 2005	FHBM dated November 5, 1976.
<b>Region IV</b>				
Kentucky	Brodhead, City of, Rockcastle County.	210201	October 20, 2005	FHBM dated February 27, 1976.
*Do	Calloway County, Unincorporated Areas.	210313	.....do	FHBM dated December 2, 1977.
<b>Region V</b>				
Illinois	Montrose, Village of, Cumberland and Effingham Counties.	170230	December 15, 2005	Unmapped.
Wisconsin	Siren, Village of, Burnett County.	550041	.....do	Unmapped.
<b>Region IV</b>				
Kentucky	Union County, Unincorporated Areas.	210301	December 21, 2005	Unmapped.
<b>Region IV</b>				
Alabama	Cuba, Town of, Sumter County.	010379	December 29, 2005	FHBM dated March 16, 1979.
North Carolina	Calypso, Town of, Duplin County.	370661	.....do	Never Mapped.
Do	Warsaw, Town of, Duplin County.	370633	.....do	Never Mapped.
Do	Webster, Town of, Jackson County.	370281	.....do	FHBM dated February 10, 1978.
<b>New Eligibles: Regular Program</b>				
<b>Region I</b>				
Maine	**Mariaville, Town of, Hancock County.	230286	October 1, 2005	FHBM dated March 14, 1975, converted to FIRM by letter October 1, 2005.

State	Location	Community No.	Effective date of eligibility	Current effective map date
<b>Region VII</b>				
Iowa	**Beaman, City of, Grundy County.	190400	October 19, 2005	October 19, 2005.
Do	**Grundy Center, City of, Grundy County.	190403	.....do	Do.
<b>Region IV</b>				
Tennessee	**Ramer, Town of, McNairy County.	470131	November 1, 2005	FHBM, dated November 29, 1974, converted to FIRM by letter November 1, 2005.
<b>Region V</b>				
Ohio	Clayton, City of, Montgomery County.	390821	November 10, 2005	January 6, 2005.
<b>Region VII</b>				
Nebraska	Knox County, Unincorporated Areas.	310451	November 14, 2005	August 18, 2005.
Kansas	Cheney, City of, Sedgwick County.	200478	November 30, 2005	Use Sedgwick County (CID 200321) FIRM panel 0175A, dated June 3, 1986.
Missouri	**Wardsville, City of, Cole County.	290633	December 2, 2005	December 2, 2005.
<b>Region VIII</b>				
Colorado	Glendale, City of, Arapahoe County.	080247	December 5, 2005	August 16, 1995.
<b>Region VII</b>				
Iowa	Kamrar, City of, Hamilton County.	190406	December 6, 2005	November 17, 2005.
<b>Region IV</b>				
Alabama	**Cowarts, Town of, Houston County.	010103	December 16, 2005	December 16, 2005.
<b>Region VIII</b>				
Utah	**West Haven, City of, Weber County.	490249	.....do	Do.
<b>Region II</b>				
New York	East Hills, Village of, Nassau County.	361627	December 19, 2005	April 2, 1997.
<b>Region IV</b>				
Alabama	Lee County, Unincorporated Areas.	010250	December 29, 2005	September 16, 1981.
Do	Summerdale, Town of, Baldwin County.	010328	.....do	June 17, 2002.
North Carolina	Dortches, Town of, Nash County.	370652	.....do	November 3, 2004.
Do	Momeyer, Town of, Nash County.	370657	.....do	Do.
<b>Region V</b>				
Ohio	Philo, Village of, Muskingum County.	390851	.....do	FHBM dated March 30, 1979, and Muskingum County FIRM (CID 390425) dated September 5, 1990.
Nebraska	Crofton, City of, Knox County	310361	October 6, 2005	August 18, 2005.
<b>Region II</b>				
New Jersey	East Rutherford Borough of, Bergen County.	340028	October 13, 2005	September 30, 2005.
<b>Region IV</b>				
Kentucky	Owsley County, Unincorporated Areas.	210296	November 3, 2005	August 5, 1985.
<b>Region VII</b>				
Missouri	Argyle, Village of, Osage County.	290491	November 10, 2005	September 2, 2005.
<b>Region VII</b>				
Iowa	Pierson, City of, Woodbury County.	190295	November 14, 2005	September 18, 1985.
<b>Region VIII</b>				
Utah	Nibley, City of, Cache County	490023	December 1, 2005	August 5, 1986.
<b>Region VII</b>				
Kansas	Auburn, City of, Shawnee County.	200332	December 6, 2005	January 16, 1981.
<b>Region II</b>				
New York	Belfast, Town of, Allegany County.	361096	December 7, 2005	August 6, 1982.
<b>Region I</b>				
Maine	Franklin, Town of, Hancock County.	230282	December 9, 2005	July 16, 1991.

State	Location	Community No.	Effective date of eligibility	Current effective map date
<b>Region V</b>				
Illinois .....	Virginia, City of, Cass County	170024	.....do .....	September 1, 1986.
<b>Withdrawals</b>				
None.				
<b>Suspensions</b>				
<b>Region IV</b>				
Tennessee .....	McNairy County, Unincorporated Areas.	470127	June 16, 1986, Emerg; July 1, 1988, Reg; October 24, 2005, Susp.	October 19, 2005.
Do .....	Benton County, Unincorporated Areas.	470218	October 4, 1989, Emerg; July 2, 1991, Reg; December 19, 2005, Susp.	December 16, 2005.
<b>Probation</b>				
None.				
<b>Suspension Rescissions</b>				
<b>Region VII</b>				
Missouri .....	Alton, City of, Oregon County	290490	October 24, 2005 Suspension Notice Rescinded.	October 19, 2005.
Do .....	Thayer, City of, Oregon County.	290267	.....do .....	Do.
<b>Region I</b>				
Maine .....	Windsor, Town of, Kennebec County.	230251	November 1, 2005 Suspension Notice Rescinded.	February 4, 1987.
<b>Region IV</b>				
North Carolina .....	Jacksonville, City of, Onslow County.	370178	.....do .....	November 3, 2005.
Do .....	North Topsail Beach, Town of, Onslow County.	370466	.....do .....	Do.
Do .....	Onslow County, Unincorporated Areas.	370340	.....do .....	Do.
Do .....	Richlands, Town of, Onslow County.	370341	.....do .....	Do.
Do .....	Swansboro, Town of, Onslow County.	370179	.....do .....	Do.
Do .....	Freemont, Town of, Wayne County.	370492	December 1, 2005 Suspension Notice Rescinded.	December 2, 2005.
Do .....	Smithfield, Town of, Johnston County.	370140	.....do .....	Do.
Do .....	Walnut Creek, Village of, Wayne County.	370435	.....do .....	Do.
Do .....	Wayne County, Unincorporated Areas.	370254	.....do .....	Do.
<b>Region VII</b>				
Missouri .....	Cole County, Unincorporated Areas.	290107	.....do .....	Do.
Do .....	Jefferson, City of, Cole County.	290108	.....do .....	Do.
Nebraska .....	Bellevue, City of, Sarpy County.	310191	.....do .....	Do.
Do .....	Bennington, City of, Douglas County.	310074	.....do .....	Do.
Do .....	Douglas County Unincorporated Areas.	310073	.....do .....	Do.
Do .....	Elkhorn, City of, Douglas County.	310075	.....do .....	Do.
Do .....	La Vista, City of, Sarpy County.	310192	.....do .....	Do.
Do .....	Omaha, City of, Douglas County.	315274	.....do .....	Do.
Do .....	Papillion, City of, Sarpy County.	315275	.....do .....	Do.
Do .....	Ralston, City of, Douglas County.	310077	.....do .....	Do.
Do .....	Sarpy County Unincorporated Areas.	310190	.....do .....	Do.

State	Location	Community No.	Effective date of eligibility	Current effective map date
Do .....	Valley, City of, Douglas County.	310078	.....do .....	Do.
<b>Region I</b>				
Connecticut .....	South Windsor, Town of, Hartford County.	090036	December 16, 2005 Suspension Notice Rescinded.	December 16, 2005.
<b>Region IV</b>				
North Carolina .....	Currituck County Unincorporated Areas.	370078	.....do .....	Do.
Tennessee .....	Camden, City of, Benton County.	470010	.....do .....	Do.
<b>Region VI</b>				
New Mexico .....	Jal, City of, Lea County .....	350030	.....do .....	Do.
<b>Region VIII</b>				
Utah .....	North Ogden, City of, Weber County.	490214	.....do .....	Do.
Do .....	Ogden, City of, Weber County	490189	.....do .....	Do.
Do .....	Plain City, City of, Weber County.	490217	.....do .....	Do.
Do .....	Riverdale, City of, Weber County.	490190	.....do .....	Do.
Do .....	Roy, City of, Weber County ...	490223	.....do .....	Do.
Do .....	South Ogden, City of, Weber County.	490191	.....do .....	Do.
Do .....	Uintah, City of, Weber County	490192	.....do .....	Do.
Do .....	Weber County, Unincorporated Areas.	490187	.....do .....	Do.
Do .....	West Haven, City of, Weber County.	490249	.....do .....	Do.

\* .....do = Ditto.

\*\* Designates communities converted from Emergency Phase of participation to the Regular Phase of participation.

Code for reading fourth and fifth columns: Emerg.-Emergency; Reg.-Regular; Rein.-Reinstatement; Susp.-Suspension; With.-Withdrawn; NSFHA-Non Special Flood Hazard Area.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: March 24, 2006.

**Michael K. Buckley,**

*Deputy Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 64**

[Docket No. FEMA-7917]

**Suspension of Community Eligibility**

**AGENCY:** Mitigation Division, Federal Emergency Management Agency (FEMA), 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 scheduled for suspension on the effective dates listed within this rule because of

noncompliance with the floodplain management requirements of the program. If 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:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

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

**FOR ADDITIONAL INFORMATION CONTACT:** William H. Lesser, Mitigation Division, 500 C Street SW., Washington, DC 20472, (202) 646-2807.

**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 *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, 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