

Company pursuant to a "ULAE Schedule" coordinated with the Company and provided by the Federal Insurance Administrator.

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■ 4. In Appendix A to part 62, amend Article VII to revise section A. to read as follows:

Article VII—Cash Management and Accounting

A. FEMA shall make available to the Company during the entire term of this Arrangement and any continuation period required by FIA pursuant to Article V, Section C., the Letter of Credit provided for in Article IV drawn on a repository bank within the Federal Reserve System upon which the Company may draw for reimbursement of its expenses as set forth in Article IV that exceed net written premiums collected by the Company from the effective date of this Arrangement or continuation period to the date of the draw. In the event that adequate Letter of Credit funding is not available to meet current Company obligations for flood policy claim payments issued, FIA shall direct the Company to immediately suspend the issuance of loss payments until such time as adequate funds are available. The Companies are not required to pay claims from their own funds in the event of such suspension.

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Dated: March 28, 2008.

Harvey E. Johnson Jr.,

Acting Deputy Administrator, Federal Emergency Management Agency.

[FR Doc. E8-6898 Filed 4-2-08; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA-8019]

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.

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

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 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 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 identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA'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 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 |
|---|---------------|---|----------------------------|--|
| Region III | | | | |
| Virginia: Floyd County, Unincorporated Areas. | 510199 | November 18, 1974, Emerg; September 29, 1989, Reg; April 16, 2008, Susp. | 04/16/2008 | 04/16/2008. |
| Region IV | | | | |
| South Carolina: | | | | |
| Easley, City of, Pickens County | 450167 | March 4, 1974, Emerg; July 19, 1982, Reg; April 16, 2008, Susp. |do* | do. |
| Liberty, City of, Pickens County | 450168 | April 16, 1974, Emerg; June 25, 1976, Reg; April 16, 2008, Susp. |do | do. |
| Pickens, City of, Pickens County | 450169 | October 7, 1974, Emerg; June 25, 1976, Reg; April 16, 2008, Susp. |do | do. |
| Pickens County, Unincorporated Areas | 450166 | April 2, 1974, Emerg; July 19, 1982, Reg; April 16, 2008, Susp. |do | do. |
| Tennessee: | | | | |
| Adams, City of, Robertson County | 470159 | November 26, 2003, Emerg; June 1, 2005, Reg; April 16, 2008, Susp. |do | do. |
| Brownsville, City of, Haywood County .. | 470087 | July 30, 1974, Emerg; March 4, 1988, Reg; April 16, 2008, Susp. |do | do. |
| Coopertown, Town of, Robertson County. | 470423 | September 15, 2003, Emerg; September 15, 2003, Reg; April 16, 2008, Susp. |do | do. |
| Haywood County, Unincorporated Areas. | 470227 | February 28, 1980, Emerg; September 1, 1986, Reg; April 16, 2008, Susp. |do | do. |
| Henderson County, Unincorporated Areas. | 470088 | May 17, 1990, Emerg; May 17, 1990, Reg; April 16, 2008, Susp. |do | do. |
| Millersville, City of, Robertson County .. | 470388 | August 30, 1982, Emerg; June 15, 1984, Reg; April 16, 2008, Susp. |do | do. |
| Portland, City of, Robertson County | 470187 | February 14, 1975, Emerg; August 4, 1987, Reg; April 16, 2008, Susp. |do | do. |
| Robertson County, Unincorporated Areas. | 470158 | May 28, 1982, Emerg; June 15, 1984, Reg; April 16, 2008, Susp. |do | do. |
| Scotts Hill, Town of, Henderson County | 470322 | January 17, 1980, Emerg; July 17, 1986, Reg; April 16, 2008, Susp. |do | do. |
| Springfield, City of, Robertson County .. | 470163 | May 15, 1975, Emerg; September 30, 1983, Reg; April 16, 2008, Susp. |do | do. |
| White House, City of, Robertson County. | 470339 | May 13, 1975, Emerg; June 1, 1988, Reg; April 16, 2008, Susp. |do | do. |

* do = Ditto.

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

Dated: March 26, 2008.

David I. Maurstad,

*Assistant Administrator for Mitigation,
Department of Homeland Security, Federal
Emergency Management Agency.*

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs

and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.