

for similar services during each of the previous 2 years.

(2) Reserved.

\* \* \* \* \*

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 31, 2008.

**Kerry Weems,**

*Acting Administrator, Centers for Medicare & Medicaid Services.*

Approved: November 7, 2008.

**Michael O. Leavitt,**

*Secretary.*

[FR Doc. E8–27041 Filed 11–10–08; 12:55 pm]

BILLING CODE 4120–01–P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA–8051]

#### 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 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**.

Previously, 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
<b>Region IV</b>				
North Carolina:				
Andrews, Town of, Cherokee County ...	370060	July 29, 1975, Emerg; February 1, 1985, Reg; November 19, 2008, Susp.	Nov. 19, 2008 ...	Nov. 19, 2008.
Cherokee County, Unincorporated Areas.	370059	July 18, 1979, Emerg; February 2, 1989, Reg; November 19, 2008, Susp.	.....do* .....	Do.
Clay County, Unincorporated Areas .....	370063	March 9, 1994, Emerg; April 1, 1999, Reg; November 19, 2008, Susp.	.....do .....	Do.
Hayesville, Town of, Clay County .....	370431	December 23, 2002, Emerg; —, Reg; November 19, 2008, Susp.	.....do .....	Do.
Murphy, Town of, Cherokee County .....	370061	April 30, 1975, Emerg; July 3, 1986, Reg; November 19, 2008, Susp.	.....do .....	Do.
South Carolina:				
Bishopville, Town of, Lee County .....	450127	June 17, 1975, Emerg; July 1, 1988, Reg; November 19, 2008, Susp.	.....do .....	Do.
Lee County, Unincorporated Areas .....	450126	November 19, 1990, Emerg; December 15, 1990, Reg; November 19, 2008, Susp.	.....do .....	Do.
Lynchburg, Town of, Lee County .....	450128	December 15, 1986, Emerg; February 1, 1991, Reg; November 19, 2008, Susp.	.....do .....	Do.
<b>Region V</b>				
Wisconsin:				
Big Bend, Village of, Waukesha County	550477	August 19, 1974, Emerg; March 1, 1984, Reg; November 19, 2008, Susp.	.....do .....	Do.
Brookfield, City of, Waukesha County ..	550478	February 23, 1972, Emerg; August 19, 1986, Reg; November 19, 2008, Susp.	.....do .....	Do.
Butler, Village of, Waukesha County ....	550536	March 7, 1974, Emerg; May 15, 1978, Reg; November 19, 2008, Susp.	.....do .....	Do.
Delafield, City of, Waukesha County ....	550479	July 15, 1975, Emerg; August 15, 1983, Reg; November 19, 2008, Susp.	.....do .....	Do.
Dousman, Village of, Waukesha County	550480	June 30, 1975, Emerg; April 17, 1987, Reg; November 19, 2008, Susp.	.....do .....	Do.
Hartland, Village of, Waukesha County	550481	July 25, 1975, Emerg; December 1, 1982, Reg; November 19, 2008, Susp.	.....do .....	Do.
Lac La Belle, Village of, Waukesha County.	550565	May 25 1976, Emerg; January 18, 1984, Reg; November 19, 2008, Susp.	.....do .....	Do.
Lannon, Village of, Waukesha County ..	550482	July 18, 1975, Emerg; December 1, 1982, Reg; November 19, 2008, Susp.	.....do .....	Do.
Menomonee Falls, Village of, Waukesha County.	550483	November 12, 1973, Emerg; September 15, 1978, Reg; November 19, 2008, Susp.	.....do .....	Do.
Mukwonago, Village of, Waukesha County.	550485	February 18, 1975, Emerg; July 5, 1985, Reg; November 19, 2008, Susp.	.....do .....	Do.
Muskego, City of, Waukesha County ....	550486	April 12, 1974, Emerg; December 1, 1982, Reg; November 19, 2008, Susp.	.....do .....	Do.
New Berlin, City of, Waukesha County	550487	May 18, 1973, Emerg; March 18, 1987, Reg; November 19, 2008, Susp.	.....do .....	Do.
Oconomowoc, City of, Waukesha County.	550488	May 1, 1975, Emerg; September 1, 1983, Reg; November 19, 2008, Susp.	.....do .....	Do.
Oconomowoc Lake, Village of, Waukesha County.	550582	July 29, 1975, Emerg; October 16, 1984, Reg; November 19, 2008, Susp.	.....do .....	Do.
Pewaukee, Village of, Waukesha County.	550489	March 24, 1975, Emerg; June 15, 1982, Reg; November 19, 2008, Susp.	.....do .....	Do.
Sussex, Village of, Waukesha County ..	550490	June 24, 1975, Emerg; June 19, 1989, Reg; November 19, 2008, Susp.	.....do .....	Do.
Waukesha, City of, Waukesha County	550491	April 2, 1974, Emerg; September 2, 1982, Reg; November 19, 2008, Susp.	.....do .....	Do.
Waukesha County, Unincorporated Areas.	550476	May 25, 1973, Emerg; August 1, 1983, Reg; November 19, 2008, Susp.	.....do .....	Do.
<b>Region VII</b>				
Kansas:				
Cherokee County, Unincorporated Areas.	200044	May 10, 1985, Emerg; August 5, 1991, Reg; November 19, 2008, Susp.	.....do .....	Do.

\*do = Ditto.

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

Dated: November 4, 2008.  
**Michael K. Buckley,**  
*Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.*  
 [FR Doc. E8-27039 Filed 11-13-08; 8:45 am]  
**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 65**

**Changes in Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

**DATES:** The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

**ADDRESSES:** The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency

(FEMA) makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of FEMA resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFEs determinations are available for inspection.

The modified BFEs are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

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

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new

buildings built after these elevations are made final, and for the contents in these buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

*National Environmental Policy Act.* This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*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 final rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

*Executive Order 12988, Civil Justice Reform.* This final rule meets the applicable standards of Executive Order 12988.

**List of Subjects in 44 CFR Part 65**

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

**PART 65—[AMENDED]**

■ 1. The authority citation for part 65 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.

**§ 65.4 [Amended]**

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama:					
Jefferson (FEMA Docket No.: B-7797).	City of Birmingham (08-04-2759P).	June 20, 2008; June 27, 2008; <i>The Birmingham News.</i>	The Honorable Larry P. Langford, Mayor, City of Birmingham, 710 North 20th Street, Birmingham, AL 35203.	July 28, 2008 .....	010116
Madison (FEMA Docket No.: B-7789).	City of Huntsville (08-04-1222P).	May 9, 2008; May 16, 2008; <i>Madison County Record.</i>	The Honorable Loretta Spencer, Mayor, City of Huntsville, P.O. Box 308, Huntsville, AL 35804.	September 15, 2008 .....	010153
Tuscaloosa (FEMA Docket No.: B-7793).	City of Tuscaloosa (08-04-1080P).	June 11, 2008; June 18, 2008; <i>The Northport Gazette.</i>	The Honorable Walter Maddox, Mayor, City of Tuscaloosa, P.O. Box 2089, Tuscaloosa, AL 35403.	October 16, 2008 .....	010203
Arizona:					
Mohave (FEMA Docket No.: B-7788).	City of Kingman (08-09-0713P).	May 14, 2008; May 21, 2008; <i>Kingman Daily Miner.</i>	The Honorable Lester Byram, Mayor, City of Kingman, 310 North Fourth Street, Kingman, AZ 86401.	September 18, 2008 .....	040060