

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2013-0002; Internal Agency Docket No. FEMA-8285]

#### 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 David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2953.

**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.

**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, Section 1315, 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 I</b>                                |               |   |                            |  |
| Connecticut:                                   |               |   |                            |  |
| Branford, Town of, New Haven County            | 090073        | April 5, 1973, Emerg; December 15, 1977, Reg; July 8, 2013, Susp.                 | July 8, 2013 .....         | July 8, 2013.  |
| Bridgeport, City of, Fairfield County .....    | 090002        | August 7, 1973, Emerg; October 15, 1980, Reg; July 8, 2013, Susp.                 | .....do .....              | Do.  |
| Darien, Town of, Fairfield County .....        | 090005        | January 19, 1973, Emerg; January 2, 1981, Reg; July 8, 2013, Susp.                | .....do .....              | Do.  |
| East Haven, Town of, New Haven County.         | 090076        | April 19, 1973, Emerg; February 1, 1978, Reg; July 8, 2013, Susp.                 | .....do .....              | Do.  |
| Fairfield, Town of, Fairfield County .....     | 090007        | April 7, 1972, Emerg; August 15, 1978, Reg; July 8, 2013, Susp.                   | .....do .....              | Do.  |
| Greenwich, Town of, Fairfield County ...       | 090008        | February 4, 1972, Emerg; September 30, 1977, Reg; July 8, 2013, Susp.             | .....do .....              | Do.  |
| Guilford, Town of, New Haven County            | 090077        | October 20, 1972, Emerg; May 1, 1978, Reg; July 8, 2013, Susp.                    | .....do .....              | Do.  |
| Hamden, Town of, New Haven County              | 090078        | May 3, 1973, Emerg; June 15, 1979, Reg; July 8, 2013, Susp.                       | .....do .....              | Do.  |
| Madison, Town of, New Haven County             | 090079        | July 19, 1973, Emerg; September 15, 1978, Reg; July 8, 2013, Susp.                | .....do .....              | Do.  |
| Milford, City of, New Haven County .....       | 090082        | January 14, 1972, Emerg; September 29, 1978, Reg; July 8, 2013, Susp.             | .....do .....              | Do.  |
| New Haven, City of, New Haven County.          | 090084        | October 25, 1973, Emerg; July 16, 1980, Reg; July 8, 2013, Susp.                  | .....do .....              | Do.  |
| North Haven, Town of, New Haven County.        | 090086        | July 13, 1973, Emerg; September 17, 1980, Reg; July 8, 2013, Susp.                | .....do .....              | Do.  |
| Norwalk, City of, Fairfield County .....       | 090012        | March 10, 1972, Emerg; April 3, 1978, Reg; July 8, 2013, Susp.                    | .....do .....              | Do.  |
| Stamford, City of, Fairfield County .....      | 090015        | March 10, 1972, Emerg; January 16, 1981, Reg; July 8, 2013, Susp.                 | .....do .....              | Do.  |
| Stratford, Town of, Fairfield County .....     | 090016        | August 18, 1972, Emerg; June 1, 1978, Reg; July 8, 2013, Susp.                    | .....do .....              | Do.  |
| West Haven, City of, New Haven County.         | 090092        | October 6, 1972, Emerg; January 17, 1979, Reg; July 8, 2013, Susp.                | .....do .....              | Do.  |
| Westport, Town of, Fairfield County .....      | 090019        | October 8, 1971, Emerg; July 2, 1980, Reg; July 8, 2013, Susp.                    | .....do .....              | Do.  |
| Maine:   |               |   |                            |  |
| Auburn, City of, Androscoggin County ..        | 230001        | August 27, 1971, Emerg; February 4, 1981, Reg; July 8, 2013, Susp.                | .....do .....              | Do.  |
| Durham, Town of, Androscoggin County.          | 230002        | April 24, 1975, Emerg; May 4, 1988, Reg; July 8, 2013, Susp.                      | .....do .....              | Do.  |
| Greene, Town of, Androscoggin County           | 230475        | July 8, 1976, Emerg; May 3, 1990, Reg; July 8, 2013, Susp.                        | .....do .....              | Do.  |
| Leeds, Town of, Androscoggin County            | 230003        | June 11, 1975, Emerg; July 16, 1990, Reg; July 8, 2013, Susp.                     | .....do .....              | Do.  |
| Lewiston, City of, Androscoggin County         | 230004        | March 21, 1974, Emerg; September 28, 1979, Reg; July 8, 2013, Susp.               | .....do .....              | Do.  |
| Lisbon, Town of, Androscoggin County           | 230005        | June 30, 1975, Emerg; March 4, 1985, Reg; July 8, 2013, Susp.                     | .....do .....              | Do.  |
| Livermore, Town of, Androscoggin County.       | 230173        | August 11, 1976, Emerg; May 3, 1990, Reg; July 8, 2013, Susp.                     | .....do .....              | Do.  |
| Livermore Falls, Town of, Androscoggin County. | 230006        | April 23, 1975, Emerg; August 5, 1991, Reg; July 8, 2013, Susp.                   | .....do .....              | Do.  |
| Mechanic Falls, Town of, Androscoggin County.  | 230007        | May 19, 1975, Emerg; May 17, 1990, Reg; July 8, 2013, Susp.                       | .....do .....              | Do.  |
| Minot, Town of, Androscoggin County ..         | 230008        | June 16, 1976, Emerg; May 17, 1990, Reg; July 8, 2013, Susp.                      | .....do .....              | Do.  |
| Poland, Town of, Androscoggin County           | 230009        | September 2, 1975, Emerg; June 5, 1985, Reg; July 8, 2013, Susp.                  | .....do .....              | Do.  |
| Sabattus, Town of, Androscoggin County.        | 230011        | October 13, 1976, Emerg; February 15, 1980, Reg; July 8, 2013, Susp.              | .....do .....              | Do.  |
| Turner, Town of, Androscoggin County           | 230010        | July 29, 1975, Emerg; June 19, 1985, Reg; July 8, 2013, Susp.                     | .....do .....              | Do.  |
| Wales, Town of, Androscoggin County            | 230439        | November 10, 2004, Emerg; August 1, 2008, Reg; July 8, 2013, Susp.                | .....do .....              | Do.  |
| <b>Region III</b>                              |               |   |                            |  |
| Maryland:                                      |               |   |                            |  |
| Cecil County, Unincorporated Areas .....       | 240019        | June 15, 1973, Emerg; April 4, 1983, Reg; July 8, 2013, Susp.                     | .....do .....              | Do.  |

| 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 |
|---|---------------|---|----------------------------|--|
| Charlestown, Town of, Cecil County .....  | 240021        | February 20, 1975, Emerg; November 17, 1982, Reg; July 8, 2013, Susp.             | .....do .....              | Do.  |
| Chesapeake City, Town of, Cecil County.   | 240099        | December 5, 1974, Emerg; October 15, 1981, Reg; July 8, 2013, Susp.               | .....do .....              | Do.  |
| Elkton, Town of, Cecil County .....       | 240022        | November 7, 1973, Emerg; March 18, 1980, Reg; July 8, 2013, Susp.                 | .....do .....              | Do.  |
| North East, Town of, Cecil County .....   | 240023        | July 24, 1975, Emerg; October 15, 1981, Reg; July 8, 2013, Susp.                  | .....do .....              | Do.  |
| Perryville, Town of, Cecil County .....   | 240024        | April 23, 1974, Emerg; March 1, 1977, Reg; July 8, 2013, Susp.                    | .....do .....              | Do.  |
| Port Deposit, Town of, Cecil County ..... | 240025        | March 16, 1973, Emerg; February 16, 1977, Reg; July 8, 2013, Susp.                | .....do .....              | Do.  |
| Rising Sun, Town of, Cecil County .....   | 240158        | September 17, 1975, Emerg; May 15, 1986, Reg; July 8, 2013, Susp.                 | .....do .....              | Do.  |

\*do = Ditto.

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

Dated: May 20, 2013.

**David L. Miller,**

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013-13367 Filed 6-5-13; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2013-0002]

#### 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 in the table below.

**ADDRESSES:** The final 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:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

*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.

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

#### List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

#### PART 67—[AMENDED]

■ 1. The authority citation for part 67 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.

#### § 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows: