

Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal**

Register. A major rule cannot take effect until 60 days after it is published in the **Federal Register.** This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 12, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 6, 2017.

Deborah Jordan,
Acting Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

- 2. Section 52.220 is amended by adding paragraph (c)(347)(i)(E) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(347) * * *

(i) * * *

(E) Yolo Solano Air Quality Management District.

(1) Rule 11.2, “Confined Animal Facilities Permit Program,” adopted on June 14, 2006.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–8469]

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 <https://www.fema.gov/national-flood-insurance-program-community-status-book>.

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 Patricia Suber, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW., Washington, DC 20472, (202) 646–4149.

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. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

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
Region X				
Washington:				
Bonney Lake, City of, Pierce County	530274	October 14, 1982, Emerg; April 26, 1983, Reg; March 7, 2017, Susp.	.....do	Do.
Buckley, City of, Pierce County	530139	November 5, 1975, Emerg; May 1, 1980, Reg; March 7, 2017, Susp.	.....do	Do.
Coupeville, Town of, Island County	530281	N/A, Emerg; October 15, 1997, Reg; March 7, 2017, Susp.	.....do	Do.
Eatonville, Town of, Pierce County	530283	N/A, Emerg; May 29, 2001, Reg; March 7, 2017, Susp.	.....do	Do.
Edgewood, City of, Pierce County	530328	N/A, Emerg; April 10, 1997, Reg; March 7, 2017, Susp.	.....do	Do.
Fife, City of, Pierce County	530140	May 21, 1975, Emerg; November 5, 1980, Reg; March 7, 2017, Susp.	.....do	Do.
Fircrest, City of, Pierce County	530141	June 4, 1975, Emerg; February 3, 1982, Reg; March 7, 2017, Susp.	.....do	Do.
Gig Harbor, City of, Pierce County	530142	June 28, 1974, Emerg; September 2, 1981, Reg; March 7, 2017, Susp.	.....do	Do.
Island County, Unincorporated Areas ...	530312	March 27, 1975, Emerg; December 1, 1981, Reg; March 7, 2017, Susp.	.....do	Do.
Lakewood, City of, Pierce County	530333	N/A, Emerg; November 28, 1997, Reg; March 7, 2017, 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
Langley, City of, Island County	530292	July 2, 1975, Emerg; September 24, 1984, Reg; March 7, 2017, Susp.	.....do	Do.
Milton, City of, King and Pierce Counties.	530294	April 26, 1982, Emerg; April 26, 1982, Reg; March 7, 2017, Susp.	.....do	Do.
Oak Harbor, City of, Island County	530068	May 5, 1975, Emerg; January 15, 1980, Reg; March 7, 2017, Susp.	.....do	Do.
Orting, City of, Pierce County	530143	July 17, 1974, Emerg; September 27, 1985, Reg; March 7, 2017, Susp.	.....do	Do.
Pierce County, Unincorporated Areas ...	530138	February 15, 1974, Emerg; August 19, 1987, Reg; March 7, 2017, Susp.	.....do	Do.
Puyallup, City of, Pierce County	530144	April 16, 1975, Emerg; August 15, 1980, Reg; March 7, 2017, Susp.	.....do	Do.
Roy, City of, Pierce County	530262	April 26, 1982, Emerg; April 26, 1982, Reg; March 7, 2017, Susp.	.....do	Do.
Ruston, City of, Pierce County	530300	N/A, Emerg; December 3, 2008, Reg; March 7, 2017, Susp.	.....do	Do.
South Prairie, Town of, Pierce County ..	530145	June 30, 1980, Emerg; December 15, 1981, Reg; March 7, 2017, Susp.	.....do	Do.
Steilacoom, Town of, Pierce County	530146	June 4, 1975, Emerg; July 19, 1982, Reg; March 7, 2017, Susp.	.....do	Do.
Sumner, City of, Pierce County	530147	October 4, 1974, Emerg; December 16, 1980, Reg; March 7, 2017, Susp.	.....do	Do.
Tacoma, City of, Pierce County	530148	July 2, 1974, Emerg; December 1, 1983, Reg; March 7, 2017, Susp.	.....do	Do.
University Place, City of, Pierce County	530332	N/A, Emerg; November 28, 1997, Reg; March 7, 2017, Susp.	.....do	Do.
Wilkeson, Town of, Pierce County	530268	August 17, 1976, Emerg; March 1, 1982, Reg; March 7, 2017, Susp.	.....do	Do.

*.....do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: March 2, 2017.

Michael M. Grimm,
Assistant Administrator for Mitigation,
Federal Insurance and Mitigation
Administration, Department of Homeland
Security, Federal Emergency Management
Agency.

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SURFACE TRANSPORTATION BOARD

49 CFR Part 1250

[Docket No. EP 724 (Sub-No. 4)]

**United States Rail Service Issues—
Performance Data Reporting**

AGENCY: Surface Transportation Board.

ACTION: Final rule; technical correction.

SUMMARY: The Surface Transportation Board (STB or Board) is correcting the final rule served on November 30, 2016, by including one additional Standard Transportation Commodity Code (STCC) to the group of 14 previously included in the final rule.

DATES: This rule is effective on March 21, 2017. Initial reporting under the final rule will begin on March 29, 2017.

FOR FURTHER INFORMATION CONTACT:

Sarah Fancher at (202) 245-0355. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

SUPPLEMENTARY INFORMATION: On November 30, 2016, the Board adopted a final rule to establish new regulations requiring all Class I railroads and the Chicago Transportation Coordination Office, through its Class I members, to report certain service performance metrics on a weekly, semiannual, and occasional basis.¹ Among other things, the final rule adopted requirements for the reporting of cars in fertilizer service, with fertilizer being defined by 14 STCCs that The Fertilizer Institute (TFI) provided in its comments. *U.S. Rail Serv. Issues—Performance Data Reporting (November Decision)*, EP 724 (Sub-No. 4), slip op. at 15 (STB served Nov. 30, 2016); 81 FR 87472 (Dec. 5, 2016). On December 20, 2016, TFI petitioned the Board to reconsider the

¹ On January 27, 2017, the Board extended the effective date of the final rule to March 21, 2017, and set initial reporting under the final rule to begin on March 29, 2017. See *U.S. Rail Serv. Issues—Data Collection*, EP 724 (Sub-No. 3) et al., slip op at 2 (STB served Jan. 27, 2017); 82 FR 9529 (Feb. 7, 2017) (corrected at 82 FR 11515 (Feb. 24, 2017)).

final rule on the “grounds that the decision will be affected by new evidence that renders it materially incomplete.” (TFI Pet. 1.) TFI asserts that to complete the definition of fertilizer, the Board must add STCC 2871313 to the 14 STCCs that TFI previously provided. (*Id.*)

On January 9, 2017, the Association of American Railroads (AAR) replied to the petition, stating that “despite the fact that TFI’s submission hardly constitutes new evidence, the AAR does not object” to the additional STCC. (AAR Reply 1, Jan. 9, 2017.) The Board received no other replies.

The Board will make the technical correction that TFI requests.² In the *November Decision*, the Board adopted TFI’s proposal to define fertilizer, for reporting purposes, as 14 fertilizer STCC codes intended to represent the most commonly used codes for fertilizer shipments. See *November Decision*, slip op. at 15; TFI Reply 4, June 28, 2016. To ensure that the primary fertilizer STCC codes are included in the initial implementation of the reporting rules,

² Although TFI filed its request as a petition for reconsideration, the Board will treat it as a request for a technical correction to the final rule.