

selenium in 1992 and set it at 0.05 mg/l. See 40 CFR 141.62(b). All MCLs are promulgated under the authority of the Safe Drinking Water Act and are required to be reviewed every six years. See 42 U.S.C. 300g-1(b)(9). The selenium MCL has undergone such review and EPA has determined that the 0.05 mg/l standard continues to be appropriate. See 82 FR 3518 (Jan. 11, 2017).

Although the regulations at 40 CFR 141.62 apply to “community water systems and non-transient, non-community water systems” as the Commenter correctly notes, EPA often relies on MCLs, in conjunction with health-based screening levels and background levels, for purposes of groundwater investigation and cleanup, with the goal of cleaning up groundwater to its maximum beneficial use, which is often as a source of drinking water. For example, Superfund cleanups conducted under the Comprehensive Environmental Response, Compensation and Liability Act utilize the Regional Screening Levels (RSLs) found at <https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables>, as well as the primary (health-based) MCLs, for purposes of establishing groundwater screening and cleanup levels. In addition, the Federal Coal Combustion Residuals (CCR) Rule uses the federal MCLs for purposes of setting groundwater protection standards. See 40 CFR 257.95(h). As a result, the Commenter’s statement that the selenium MCL is not relevant for purposes of groundwater protection is inaccurate.

*Comment 2:* The Commenter argues that EPA’s proposed authorization of the portions of Kentucky’s program that relate to EPA’s Checklist 235, which is the Federal regulation creating an exclusion from the definition of hazardous waste for certain coal combustion residuals, is inappropriate given that certain portions of the Federal Subtitle D CCR Rule have been vacated by the Court in *Utility Solid Waste Activities Group, et al. v. EPA* (D.C. Cir. Aug. 21, 2018).

*Response 2:* The language of 40 CFR 261.4(b)(4) revised in the 2015 CCR Rule was not challenged nor impacted by the decision in that case. As a result, this comment presents no basis to alter or re-evaluate EPA’s decision to proceed with authorization for the portions of Kentucky’s program that relate to Checklist 235.

### C. What is codification and is EPA codifying Kentucky’s hazardous waste program as authorized in this rule?

Codification is the process of placing citations and references to the State’s statutes and regulations that comprise the State’s authorized hazardous waste program into the Code of Federal Regulations. EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. EPA is not codifying the authorization of Kentucky’s revisions at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart S, for the authorization of Kentucky’s program changes at a later date.

### D. Statutory and Executive Order Reviews

This final authorization revises Kentucky’s authorized hazardous waste management program pursuant to Section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. For further information on how this authorization complies with applicable executive orders and statutory provisions, please see the Proposed Rule published in the September 21, 2018 **Federal Register** at 83 FR 47858. 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. EPA will submit a report containing this document 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 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). This final action will be effective April 3, 2019.

### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: March 20, 2019.

Mary S. Walker,

Acting Regional Administrator, Region 4.

[FR Doc. 2019-06485 Filed 4-2-19; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2019-0003; Internal Agency Docket No. FEMA-8573]

### 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:** *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 Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, (202) 212-3966.

**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
<b>Region III</b>				
West Virginia:				
Fairmont, City of, Marion County .....	540099	February 14, 1977, Emerg; July 2, 1987, Reg; April 5, 2019, Susp.	April 5, 2019 .....	April 5, 2019.
Granville, Town of, Monongalia County .....	540272	April 7, 1975, Emerg; December 15, 1983, Reg; April 5, 2019, Susp.	.....do * .....	Do.
Marion County, Unincorporated Areas .....	540097	August 21, 1975, Emerg; July 4, 1988, Reg; April 5, 2019, Susp.	.....do .....	Do.
Monongalia County, Unincorporated Areas .....	540139	October 31, 1975, Emerg; May 1, 1984, Reg; April 5, 2019, Susp.	.....do .....	Do.
Morgantown, City of, Monongalia County .....	540141	January 23, 1975, Emerg; August 1, 1979, Reg; April 5, 2019, Susp.	.....do .....	Do.
Star City, Town of, Monongalia County .....	540273	April 18, 1975, Emerg; August 1, 1978, Reg; April 5, 2019, Susp.	.....do .....	Do.
Westover, City of, Monongalia County .....	540274	January 27, 1975, Emerg; August 1, 1978, Reg; April 5, 2019, Susp.	.....do .....	Do.
<b>Region VI</b>				
Texas:				
Millsap, City of, Parker County .....	480107	N/A, Emerg; August 28, 2013, Reg; April 5, 2019, Susp.	.....do .....	Do.
Mingus, City of, Palo Pinto County .....	480518	January 28, 1998, Emerg; September 1, 2004, Reg; April 5, 2019, 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
Ranger, City of, Eastland County .....	480205	December 15, 1998, Emerg; July 1, 1999, Reg; April 5, 2019, Susp.	.....do .....	Do.
Strawn, City of, Palo Pinto County .....	480965	May 20, 1987, Emerg; November 1, 1989, Reg; April 5, 2019, Susp.	.....do .....	Do.
Weatherford, City of, Parker County .....	480522	September 13, 1974, Emerg; August 5, 1986, Reg; April 5, 2019, Susp.	.....do .....	Do.
<b>Region IX</b>				
California: Foster City, City of, San Mateo County	060318	April 13, 1973, Emerg; January 7, 1977, Reg; April 5, 2019, Susp.	April 5, 2019 .....	April 5, 2019.

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

Dated: March 22, 2019.

**Katherine B. Fox,**  
*Assistant Administrator for Mitigation,  
Federal Insurance and Mitigation  
Administration—FEMA Resilience,  
Department of Homeland Security, Federal  
Emergency Management Agency.*

[FR Doc. 2019-06448 Filed 4-2-19; 8:45 am]

**BILLING CODE 9110-12-P**

**SURFACE TRANSPORTATION BOARD**

**49 CFR Parts 1002, 1012, 1104, 1110, 1111, 1113, 1130, 1132, 1150, 1152, 1155, 1182, 1244, 1312, and 1313**

[Docket No. EP 747]

**Payment, Filing, and Service Procedures**

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (Board or STB) adopts modifications to its rules pertaining to certain payment, filing, and service procedures. The adopted rule also updates and clarifies fees for copying, printing, and related services and removes outdated language from the Board’s regulations.

**DATES:** This rule is effective on May 10, 2019.

**ADDRESSES:** Requests for information or questions regarding this final rule should reference Docket No. EP 747 and be submitted via the Board’s e-filing format or in writing addressed to: Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. Any person using e-filing should attach a document and otherwise comply with the instructions found on the Board’s website at [www.stb.gov](http://www.stb.gov) at the E-Filing link.

**FOR FURTHER INFORMATION CONTACT:** Sarah Fancher, (202) 245-0355. Assistance for the hearing impaired is available through Federal Information Relay Service (FIRS) at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** In April 2017, the Board established its Regulatory Reform Task Force (RRTF) to comply with the spirit of Executive Order 13777. The RRTF’s mission is to identify Board rules and practices that are burdensome, unnecessary, or outdated and to recommend how they should be addressed. *See Regulatory Reform Task Force*, EP 738 (STB served June 20, 2017). In a status report issued in May 2017, the RRTF identified the Board’s payment and filing procedures as a potential area for reform and, following stakeholder input, recommended in its November 2017 status report that the Board update procedural and filing rules that are in need of modernization.<sup>1</sup> The Board issued a notice of proposed rulemaking to revise and update its regulations relating to methods of payment, filing procedures, electronic service of Board decisions, and fees for copying, printing, and related services. *Payment, Filing, & Serv. Procedures (NPRM)*, EP 747 (STB served Aug. 24, 2018) (83 FR 42852). The Board received comments on the *NPRM* from the National Association of Reversionary Property Owners (NARPO), Gordon MacDougall, and the Western Coal Traffic League (WCTL).

After considering the comments and reviewing the proposed procedures, the Board is adopting a final rule with modifications to the electronic service (e-service) proposal. The final rule also removes references to “computer diskettes.” The text of the final rule is below.

*The proposed rule.* The *NPRM* outlined proposals intended to promote increased use of electronic filing and payment systems, which would result in cost savings to both the Board and the public.<sup>2</sup> These proposals would also

<sup>1</sup> These status reports can both be accessed on the Board’s website.

<sup>2</sup> As explained in more detail in the *NPRM*, these changes apply to the regulations as shown below, as well as to Board procedures related to payment, filings, and service.

increase the accessibility of information relating to proceedings and functions of the Board.

Specifically, the *NPRM* proposed to revise Board filing fee payment options by adding an electronic payment option. *NPRM*, EP 747, slip op. at 2-4. The *NPRM* explained that the Board would implement the electronic payment option through *Pay.gov*, a website operated by the U.S. Department of the Treasury that allows payment of government fees through bank accounts, credit cards, debit cards with a MasterCard or Visa logo, and digital wallet. Given the availability and efficiency of an electronic payment option, the *NPRM* proposed to eliminate billing accounts and direct credit card payments to the Board. *NPRM*, EP 747, slip op. at 3. The *NPRM* proposed corresponding payment option changes to the regulations governing fees for recordings, water carrier tariffs, and contract summaries.

The *NPRM* explained that these payment option changes would eliminate the need to require paper filings for initial pleadings and other pleadings with associated fees, thereby allowing expanded use of electronic filing (e-filing). *NPRM*, EP 747, slip op. at 4-6. The Board proposed to allow all filings (subject to the current limit of 100 megabytes or less)<sup>3</sup> to be e-filed, unless alternative filing procedures are required. The proposed rule would also require that any fees associated with e-filings be paid electronically.

The *NPRM* also proposed to modify the requirements for paper filers to reduce the burden on those filers. *NPRM*, EP 747, slip op. at 6-7. The Board proposed to eliminate the requirement to file 10 copies of paper filings in most proceedings and instead require paper filers generally to file only the original paper filing.<sup>4</sup> The proposed

<sup>3</sup> This current limitation is discussed later in the decision.

<sup>4</sup> The Board would reserve the right to require filers (both e-filers and paper filers) to provide paper copies of filings when necessary. The *NPRM*