

docket or RIN number for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Janelle M. Beal, JAGC, U.S. Navy, Office of the Judge Advocate General (Administrative Law), Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone: 703-614-7403.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy is amending 32 CFR part 776, to comport with current policy as stated in JAG Instruction 5803.1 (Series) governing the professional conduct of attorneys practicing under the cognizance and supervision of the Judge Advocate General for clients with diminished capacity. This rule updates the existing section to reflect the current policy of the Judge Advocate General to permit a covered attorney to take protective action and disclose a client's condition when he or she reasonably believes that the client has diminished capacity and is at risk of substantial physical self-harm if action is not taken. Thus, aligning the policy with ABA Model Rules of Professional Conduct (2010), Rule 1.14 (Client with Diminished Capacity). Interested persons are invited to comment in writing on this amendment. All written comments received will be considered in finalizing the amendment to 32 CFR part 776. It has been determined that this rule amendment is not a major rule within the criteria specified in Executive Order 12866, as amended by Executive Order 13258, and does not have substantial impact on the public.

#### Matters of Regulatory Procedure

*Executive Order 12866, "Regulatory Planning and Review"*

It has been determined that 32 CFR Part 776 is not a significant regulatory action. The rule does not:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

#### *Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104-4)*

It has been certified that 32 CFR part 776 does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

#### *Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)*

It has been certified that 32 CFR part 776 does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

#### *Federalism (Executive Order 13132)*

It has been certified that 32 CFR Part 776 does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of government.

#### **List of Subjects in 32 CFR Part 776**

Rules of Professional Conduct, and Complaint Processing Procedures.

- For the reasons set forth in the preamble, the Department of the Navy amends 32 CFR Part 776, as follows:

#### **PART 776—PROFESSIONAL CONDUCT OF ATTORNEYS PRACTICING UNDER THE COGNIZANCE AND SUPERVISION OF THE JUDGE ADVOCATE GENERAL**

- 1. The authority citation for 32 CFR Part 776 continues to read as follows:

**Authority:** 10 U.S.C. 806, 806a, 826, 827.

#### **Subpart B—Rules of Professional Conduct**

- 2. Revise § 776.33 to read as follows:

##### **§ 776.33 Client with diminished capacity.**

(a) *Client with diminished capacity.* (1) When a client's ability to make adequately considered decisions in connection with the representation is diminished, whether because of minority, mental impairment, or for some other reason, the covered attorney

shall, as far as reasonably possible, maintain a normal attorney-client relationship with the client.

(2) When the covered attorney reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial, or other harm unless action is taken and cannot adequately act in the client's own interest, the covered attorney may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client.

(3) Information relating to the representation of a client with diminished capacity is protected by § 776.25 of this part. When taking protective action pursuant to paragraph (a)(2) of this section, the covered attorney is impliedly authorized under § 776.25 of this part to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

(b) [Reserved]

Dated: August 24, 2010.

**D.J. Werner,**

*Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2010-21499 Filed 8-27-10; 8:45 am]

**BILLING CODE 3810-FF-P**

## **DEPARTMENT OF HOMELAND SECURITY**

#### **Federal Emergency Management Agency**

#### **44 CFR Part 64**

**[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-8145]**

#### **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**.

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 17, 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 II</b>				
New York:				
Barker, Village of, Niagara County .....	360498	April 10, 1975, Emerg; May 1, 1984, Reg; September 17, 2010, Susp.	Sept. 17, 2010 ..	Sept. 17, 2010.
Cambria, Town of, Niagara County .....	360499	July 7, 1975, Emerg; September 30, 1983, Reg; September 17, 2010, Susp.	.....do .....	Do.
Hartland, Town of, Niagara County .....	360500	May 1, 1975, Emerg; October 7, 1983, Reg; September 17, 2010, Susp.	.....do .....	Do.
Lewiston, Town of, Niagara County .....	360502	March 27, 1974, Emerg; June 18, 1980, Reg; September 17, 2010, Susp.	.....do .....	Do.
Lockport, City of, Niagara County .....	360503	December 17, 1973, Emerg; February 4, 1981, Reg; September 17, 2010, 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
Lockport, Town of, Niagara County .....	361013	December 17, 1973, Emerg; September 2, 1981, Reg; September 17, 2010, Susp.	.....do .....	Do.
Middleport, Village of, Niagara County	360505	April 8, 1975, Emerg; August 1, 1983, Reg; September 17, 2010, Susp.	.....do .....	Do.
North Tonawanda, City of, Niagara County.	360508	May 14, 1975, Emerg; January 6, 1982, Reg; September 17, 2010, Susp.	.....do .....	Do.
Pendleton, Town of, Niagara County .....	360509	April 12, 1974, Emerg; January 6, 1982, Reg; September 17, 2010, Susp.	.....do .....	Do.
Porter, Town of, Niagara County .....	360510	July 17, 1974, Emerg; August 15, 1983, Reg; September 17, 2010, Susp.	.....do .....	Do.
Royalton, Town of, Niagara County .....	360511	November 29, 1974, Emerg; July 6, 1979, Reg; September 17, 2010, Susp.	.....do .....	Do.
Wheatfield, Town of, Niagara County ...	360513	July 5, 1973, Emerg; July 16, 1981, Reg; September 17, 2010, Susp.	.....do .....	Do.
Youngstown, Village of, Niagara County	360515	March 30, 1973, Emerg; June 4, 1980, Reg; September 17, 2010, Susp.	.....do .....	Do.
<b>Region III</b>				
Virginia:				
Clifton, Town of, Fairfax County .....	510186	December 5, 1973, Emerg; May 2, 1977, Reg; September 17, 2010, Susp.	.....do .....	Do.
Fairfax County, Unincorporated Areas ..	515525	June 19, 1970, Emerg; January 7, 1972, Reg; September 17, 2010, Susp.	.....do .....	Do.
Gloucester County, Unincorporated Areas.	510071	March 25, 1974, Emerg; August 4, 1987, Reg; September 17, 2010, Susp.	.....do .....	Do.
Herndon, Town of, Fairfax County .....	510052	May 21, 1973, Emerg; August 1, 1979, Reg; September 17, 2010, Susp.	.....do .....	Do.
Irvington, Town of, Lancaster County ...	510221	August 18, 1975, Emerg; August 4, 1987, Reg; September 17, 2010, Susp.	.....do .....	Do.
Lancaster County, Unincorporated Areas.	510084	November 27, 1973, Emerg; March 4, 1988, Reg; September 17, 2010, Susp.	.....do .....	Do.
Northumberland County, Unincorporated Areas.	510107	October 9, 1973, Emerg; July 4, 1989, Reg; September 17, 2010, Susp.	.....do .....	Do.
Vienna, Town of, Fairfax County .....	510053	August 8, 1974, Emerg; February 3, 1982, Reg; September 17, 2010, Susp.	.....do .....	Do.
White Stone, Town of, Lancaster County.	510235	August 18, 1975, Emerg; September 24, 1984, Reg; September 17, 2010, Susp.	.....do .....	Do.
<b>Region IV</b>				
Alabama:				
Aliceville, City of, Pickens County .....	010180	February 8, 1974, Emerg; July 17, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
Ethelsville, Town of, Pickens County ....	010281	December 21, 1978, Emerg; March 18, 1985, Reg; September 17, 2010, Susp.	.....do .....	Do.
Gordo, Town of, Pickens County .....	010220	August 6, 1974, Emerg; August 15, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
Pickens County, Unincorporated Areas	010283	May 25, 1976, Emerg; June 4, 1990, Reg; September 17, 2010, Susp.	.....do .....	Do.
Pickensville, Town of, Pickens County	010423	N/A, Emerg; June 6, 1996, Reg; September 17, 2010, Susp.	.....do .....	Do.
Reform, Town of, Pickens County .....	010221	July 31, 1974, Emerg; July 3, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
Georgia:				
Comer, City of, Madison County .....	130211	May 12, 1975, Emerg; June 1, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
Morganton, City of, Fannin County .....	130449	November 17, 1976, Emerg; April 2, 1986, Reg; September 17, 2010, Susp.	.....do .....	Do.
Mountain City, Town of, Rabun County	130252	January 30, 1980, Emerg; July 9, 1982, Reg; September 17, 2010, Susp.	.....do .....	Do.
Randolph County, Unincorporated Areas.	130553	May 16, 1997, Emerg; September 17, 2010, Reg; September 17, 2010, Susp.	.....do .....	Do.
Kentucky:				
Hustonville, City of, Lincoln County .....	210144	August 26, 1975, Emerg; September 27, 1985, Reg; September 17, 2010, Susp.	.....do .....	Do.
Stanford, City of, Lincoln County .....	210145	February 26, 1975, Emerg; September 27, 1985, Reg; September 17, 2010, Susp.	.....do .....	Do.
Mississippi:				
Alcorn County, Unincorporated Areas ...	280267	N/A, Emerg; February 27, 1992, Reg; September 17, 2010, Susp.	.....do .....	Do.
Coffeeville, Town of, Yalobusha County	280186	April 8, 1975, Emerg; September 4, 1986, Reg; September 17, 2010, 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
Corinth, City of, Alcorn County .....	280002	July 26, 1974, Emerg; March 16, 1981, Reg; September 17, 2010, Susp.	.....do .....	Do.
Duck Hill, Town of, Montgomery County	280118	June 23, 1975, Emerg; April 2, 1986, Reg; September 17, 2010, Susp.	.....do .....	Do.
Louisville, City of, Winston County .....	280185	February 11, 1974, Emerg; June 15, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
Montgomery County, Unincorporated Areas.	280212	April 11, 1974, Emerg; September 1, 1987, Reg; September 17, 2010, Susp.	.....do .....	Do.
Rienzi, Town of, Alcorn County .....	280322	October 30, 2006, Emerg; September 17, 2010, Reg; September 17, 2010, Susp.	.....do .....	Do.
Water Valley, City of, Yalobusha County.	280187	December 5, 1974, Emerg; September 27, 1985, Reg; September 17, 2010, Susp.	.....do .....	Do.
Winona, City of, Montgomery County ...	280119	February 18, 1975, Emerg; July 2, 1987, Reg; September 17, 2010, Susp.	.....do .....	Do.
Winston County, Unincorporated Areas	280308	December 21, 1978, Emerg; August 19, 1985, Reg; September 17, 2010, Susp.	.....do .....	Do.
Tennessee:				
Ashland City, Town of, Cheatham County.	470027	March 10, 1975, Emerg; April 1, 1981, Reg; September 17, 2010, Susp.	.....do .....	Do.
Cheatham County, Unincorporated Areas.	470026	September 27, 1974, Emerg; May 19, 1981, Reg; September 17, 2010, Susp.	.....do .....	Do.
Decatur, Town of, Meigs County .....	470134	March 27, 1975, Emerg; June 3, 1986, Reg; September 17, 2010, Susp.	.....do .....	Do.
Kingston Springs, Town of, Cheatham County.	470289	June 11, 1984, Emerg; June 11, 1984, Reg; September 17, 2010, Susp.	.....do .....	Do.
Pegram, Town of, Cheatham County ....	470291	April 9, 1987, Emerg; April 9, 1987, Reg; September 17, 2010, Susp.	.....do .....	Do.
<b>Region V</b>				
Illinois:				
Bonnie, Village of, Jefferson County .....	170306	September 10, 1975, Emerg; August 19, 1985, Reg; September 17, 2010, Susp.	.....do .....	Do.
East Dubuque, City of, Jo Daviess County.	170752	June 25, 1975, Emerg; October 18, 1983, Reg; September 17, 2010, Susp.	.....do .....	Do.
Galena, City of, Jo Daviess County .....	175168	August 27, 1971, Emerg; July 20, 1973, Reg; September 17, 2010, Susp.	.....do .....	Do.
Hanover, Village of, Jo Daviess County	170755	July 21, 1975, Emerg; May 4, 1989, Reg; September 17, 2010, Susp.	.....do .....	Do.
Ina, Village of, Jefferson County .....	170307	March 2, 1976, Emerg; May 25, 1984, Reg; September 17, 2010, Susp.	.....do .....	Do.
Jefferson County, Unincorporated Areas.	170305	October 31, 2000, Emerg; September 17, 2010, Reg; September 17, 2010, Susp.	.....do .....	Do.
Jo Daviess County, Unincorporated Areas.	170902	April 19, 1979, Emerg; January 18, 1984, Reg; September 17, 2010, Susp.	.....do .....	Do.
Mount Vernon, City of, Jefferson County.	170308	September 30, 1974, Emerg; February 15, 1984, Reg; September 17, 2010, Susp.	.....do .....	Do.
Peoria Heights, Village of, Peoria, Tazewell, and Woodford Counties.	170537	October 13, 1972, Emerg; November 1, 1979, Reg; September 17, 2010, Susp.	.....do .....	Do.
Roanoke, Village of, Woodford County	170727	June 17, 1975, Emerg; September 4, 1987, Reg; September 17, 2010, Susp.	.....do .....	Do.
Spring Bay, Village of, Woodford County.	170887	August 26, 1977, Emerg; June 4, 1980, Reg; September 17, 2010, Susp.	.....do .....	Do.
Washburn, Village of, Marshall and Woodford Counties.	170728	January 27, 1975, Emerg; July 2, 1987, Reg; September 17, 2010, Susp.	.....do .....	Do.
Woodford County, Unincorporated Areas.	170730	September 7, 1973, Emerg; February 1, 1984, Reg; September 17, 2010, Susp.	.....do .....	Do.
Michigan:				
Bangor, Township of, Bay County .....	260019	March 30, 1973, Emerg; July 2, 1979, Reg; September 17, 2010, Susp.	.....do .....	Do.
Bay City, City of, Bay County .....	260020	March 30, 1973, Emerg; September 1, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
Essexville, City of, Bay County .....	260021	March 30, 1973, Emerg; September 1, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
Fraser, Township of, Bay County .....	260657	November 13, 1981, Emerg; November 13, 1981, Reg; September 17, 2010, Susp.	.....do .....	Do.
Hampton, Township of, Bay County .....	260023	March 30, 1973, Emerg; August 1, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
Kawkawlin, Township of, Bay County ...	260658	January 29, 1979, Emerg; February 1, 1979, Reg; September 17, 2010, Susp.	.....do .....	Do.
Monitor, Township of, Bay County .....	260358	July 21, 1982, Emerg; August 19, 1985, Reg; September 17, 2010, 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
Pinconning, City of, Bay County .....	260607	March 17, 1975, Emerg; August 3, 1981, Reg; September 17, 2010, Susp.	.....do .....	Do.
Pinconning, Township of, Bay County ..	260025	March 30, 1973, Emerg; September 1, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
<b>Region VII</b>				
Missouri:				
Bolivar, City of, Polk County .....	290299	July 24, 1975, Emerg; June 15, 1988, Reg; September 17, 2010, Susp.	.....do .....	Do.
Marshfield, City of, Webster County ..	290685	June 13, 1975, Emerg; September 10, 1984, Reg; September 17, 2010, Susp.	.....do .....	Do.
Seymour, City of, Webster County .....	290933	N/A, Emerg; February 11, 2005, Reg; September 17, 2010, Susp.	.....do .....	Do.
Webster County, Unincorporated Areas	290848	N/A, Emerg; April 14, 2003, Reg; September 17, 2010, Susp.	.....do .....	Do.
<b>Region X</b>				
Oregon:				
Astoria, City of, Clatsop County .....	410028	October 16, 1974, Emerg; August 1, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
Cannon Beach, City of, Clatsop County	410029	March 6, 1974, Emerg; September 1, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
Clatsop County, Unincorporated Areas	410027	February 7, 1974, Emerg; July 3, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
Gearhart, City of, Clatsop County .....	410030	April 11, 1974, Emerg; May 15, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.
Seaside, City of, Clatsop County .....	410032	March 25, 1974, Emerg; September 5, 1979, Reg; September 17, 2010, Susp.	.....do .....	Do.
Warrenton, City of, Clatsop County .....	410033	July 16, 1975, Emerg; May 15, 1978, Reg; September 17, 2010, Susp.	.....do .....	Do.

\* do = Ditto.

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

Dated: August 19, 2010.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation Administrator, Mitigation.*

[FR Doc. 2010-21594 Filed 8-27-10; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-8143]

### 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**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The