

than 100 beds. Section 601(g) of the Social Security Amendments of 1983 (Pub. L. 98–21) designated hospitals in certain New England counties as belonging to the adjacent urban area. Thus, for purposes of the IPPS, we continue to classify these hospitals as urban hospitals. As noted previously, we expect the effects of the changes announced in this document to impact only approximately 15 providers.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. In 2018, that threshold is approximately \$150 million. The changes announced in this document will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. The changes announced in this document will not have a substantial effect on State and local governments.

Executive Order 13771, entitled “Reducing Regulation and Controlling Regulatory Costs,” was issued on January 30, 2017, and requires that the costs associated with significant new regulations “shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations.” It has been determined that the provisions announced in this document are actions that primarily result in transfers, and thus are not a regulatory or deregulatory action for the purposes of Executive Order 13771.

#### V. Waiver of Proposed Rulemaking and Delay of Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment prior to a rule taking effect in accordance with section 553(b) of the Administrative Procedure Act (APA) and section 1871 of the Act. In addition, in accordance with section 553(d) of the APA and section 1871(e)(1)(B)(i) of the Act, we ordinarily provide a 30 day delay to a substantive rule’s effective date. For substantive rules that constitute major rules, in accordance with 5 U.S.C. 801, we ordinarily provide a 60-day delay in the effective date.

None of the processes or effective date requirements apply, however, when the rule in question is interpretive, a general statement of policy, or a rule of agency organization, procedure or practice. They also do not apply when the statute establishes rules that are to be applied, leaving no discretion or gaps for an agency to fill in through rulemaking.

In addition, an agency may waive notice and comment rulemaking, as well as any delay in effective date, when the agency for good cause finds that notice and public comment on the rule as well as the effective date delay are impracticable, unnecessary, or contrary to the public interest. In cases where an agency finds good cause, the agency must incorporate a statement of this finding and its reasons in the rule issued.

The policies being publicized in this document do not constitute agency rulemaking. Rather, the statute, as amended by the Consolidated Appropriations Act, 2018, has already required that the agency make these changes, and we are simply notifying the public of the changes to the payment adjustment for low-volume hospitals for FYs 2011 through 2017 relating to the application of the mileage criterion for IHS and non-IHS hospitals. As this document merely informs the public of these changes, it is not a rule and does not require any notice and comment rulemaking. To the extent any of the policies articulated in this document constitute interpretations of the statute’s requirements or procedures that will be used to implement the statute’s directive, they are interpretive rules, general statements of policy, and rules of agency procedure or practice, which are not subject to notice and comment rulemaking or a delayed effective date.

However, to the extent that notice and comment rulemaking, a delay in effective date, or both would otherwise apply, we find good cause to waive such requirements. Specifically, we find it unnecessary to undertake notice and comment rulemaking in this instance as this document does not propose to make any substantive changes to the policies or methodologies already in effect as a matter of law, but simply applies payment adjustments under the Consolidated Appropriations Act, 2018 to these existing policies and methodologies. As the changes outlined in this document have already taken effect, it would also be impracticable to undertake notice and comment rulemaking. For these reasons, we also find that a waiver of any delay in effective date, if it were otherwise applicable, is necessary to comply with the requirements of the Consolidated

Appropriations Act, 2018. Therefore, we find good cause to waive notice and comment procedures as well as any delay in effective date, if such procedures or delays are required at all.

Dated: August 16, 2018.

**Seema Verma,**

*Administrator, Centers for Medicare & Medicaid Services.*

[FR Doc. 2018–18271 Filed 8–22–18; 8:45 am]

**BILLING CODE 4120–01–P**

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–8543]

#### 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 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 II</b>				
New Jersey:				
Brigantine, City of, Atlantic County .....	345286	May 15, 1970, Emerg; June 18, 1971, Reg; August 28, 2018, Susp.	August 28, 2018	August 28, 2018.
Buena, Borough of, Atlantic County .....	340004	January 17, 1975, Emerg; March 4, 1983, Reg; August 28, 2018, Susp.	.....do .....	Do.
Hamilton, Township of, Atlantic County .....	340009	November 26, 1971, Emerg; March 15, 1977, Reg; August 28, 2018, Susp.	.....do .....	Do.
Hammonton, Town of, Atlantic County .....	340010	July 7, 1975, Emerg; January 6, 1982, Reg; August 28, 2018, Susp.	.....do .....	Do.
Linwood, City of, Atlantic County .....	340011	March 27, 1974, Emerg; January 19, 1983, Reg; August 28, 2018, Susp.	.....do .....	Do.
Longport, Borough of, Atlantic County .....	345302	July 10, 1970, Emerg; June 18, 1971, Reg; August 28, 2018, Susp.	.....do .....	Do.
Margate City, City of, Atlantic County .....	345304	July 10, 1970, Emerg; June 19, 1971, Reg; August 28, 2018, 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
Weymouth, Township of, Atlantic County. <b>Region IV</b>	340536	August 13, 1975, Emerg; August 10, 1979, Reg; August 28, 2018, Susp.	.....do .....	Do.
North Carolina: Belville, Town of, Brunswick County ....	370545	September 15, 2003, Emerg; June 2, 2006, Reg; August 28, 2018, Susp.	.....do .....	Do.
Holden Beach, Town of, Brunswick County.	375352	March 19, 1971, Emerg; May 26, 1972, Reg; August 28, 2018, Susp.	.....do .....	Do.
Navassa, Town of, Brunswick County ..	370593	May 19, 2005, Emerg; June 2, 2006, Reg; August 28, 2018, Susp.	.....do .....	Do.
Shalotte, Town of, Brunswick County ..	370388	July 1, 1975, Emerg; January 3, 1986, Reg; August 28, 2018, Susp.	.....do .....	Do.
Varnamtown, Town of, Brunswick County. <b>Region V</b>	370648	N/A, Emerg; May 30, 2001, Reg; August 28, 2018, Susp.	.....do .....	Do.
Michigan: Acme, Township of, Grand Traverse County.	260749	March 3, 1986, Emerg; December 18, 1986, Reg; August 28, 2018, Susp.	August 28, 2018	August 28, 2018.
Bingham, Township of, Leelanau County.	260772	August 29, 1986, Emerg; September 18, 1987, Reg; August 28, 2018, Susp.	.....do .....	Do.
Cleveland, Township of, Leelanau County.	260302	July 18, 1974, Emerg; September 1, 1986, Reg; August 28, 2018, Susp.	.....do .....	Do.
Elmwood, Township of, Leelanau County.	260113	July 2, 1975, Emerg; February 2, 1983, Reg; August 28, 2018, Susp.	.....do .....	Do.
Empire, Township of, Leelanau County	260765	June 16, 1986, Emerg; September 4, 1986, Reg; August 28, 2018, Susp.	.....do .....	Do.
Empire, Village of, Leelanau County ....	260605	April 8, 1975, Emerg; November 15, 1985, Reg; August 28, 2018, Susp.	.....do .....	Do.
Garfield, Charter Township of, Grand Traverse County.	260753	April 25, 1986, Emerg; December 18, 1986, Reg; August 28, 2018, Susp.	.....do .....	Do.
Glen Arbor, Township of, Leelanau County.	260604	March 7, 1975, Emerg; September 1, 1986, Reg; August 28, 2018, Susp.	.....do .....	Do.
Leelanau, Township of, Leelanau County.	260114	June 5, 1975, Emerg; April 2, 1986, Reg; August 28, 2018, Susp.	.....do .....	Do.
Leland, Township of, Leelanau County	260760	May 5, 1986, Emerg; March 18, 1987, Reg; August 28, 2018, Susp.	.....do .....	Do.
Northport, Village of, Leelanau County	260580	July 24, 1975, Emerg; March 2, 1989, Reg; August 28, 2018, Susp.	.....do .....	Do.
Paradise, Township of, Grand Traverse County.	260830	December 20, 1990, Emerg; May 4, 1992, Reg; August 28, 2018, Susp.	.....do .....	Do.
Peninsula, Township of, Grand Traverse County.	260747	March 3, 1986, Emerg; December 18, 1986, Reg; August 28, 2018, Susp.	.....do .....	Do.
Suttons Bay, Township of, Leelanau County.	260770	July 21, 1986, Emerg; April 3, 1987, Reg; August 28, 2018, Susp.	.....do .....	Do.
Suttons Bay, Village of, Leelanau County.	260283	September 17, 1973, Emerg; June 1, 1977, Reg; August 28, 2018, Susp.	August 28, 2018	August 28, 2018.
Traverse City, City of, Grand Traverse and Leelanau Counties.	260082	August 8, 1975, Emerg; December 15, 1982, Reg; August 28, 2018, Susp.	.....do .....	Do.
Union, Township of, Grand Traverse County.	260805	April 23, 1987, Emerg; September 30, 1988, Reg; August 28, 2018, Susp.	.....do .....	Do.
Whitewater, Township of, Grand Traverse County. <b>Region VI</b>	260794	January 29, 1987, Emerg; September 30, 1988, Reg; August 28, 2018, Susp.	.....do .....	Do.
Texas: Brown County, Unincorporated Areas ..	480717	June 6, 1990, Emerg; March 1, 1991, Reg; August 28, 2018, Susp.	.....do .....	Do.
Brownwood, City of, Brown County .....	480087	June 20, 1975, Emerg; April 15, 1981, Reg; August 28, 2018, Susp.	.....do .....	Do.
Early, City of, Brown County .....	480088	January 12, 1982, Emerg; July 1, 1987, Reg; August 28, 2018, Susp.	August 28, 2018	August 28, 2018.

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

Dated: August 9, 2018.

**Katherine B. Fox,**

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

[FR Doc. 2018–18150 Filed 8–22–18; 8:45 am]

BILLING CODE 9110–12–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 11

[EB Docket No. 04–296, PS Docket No. 15–  
94; FCC 18–102]

### Review of the Emergency Alert System

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Petition for partial  
reconsideration; final decision.

**SUMMARY:** In this document, the Federal  
Communications Commission (FCC or  
Commission) partially denies and  
partially grants a petition for partial  
reconsideration of the Emergency Alert  
System (EAS) requirements for certain  
Fixed Satellite Service (FSS) satellite  
operators jointly filed by PanAmSat  
Corporation, SES Americom, Inc., and  
Intelsat, Ltd.

**DATES:** Effective September 24, 2018.

**FOR FURTHER INFORMATION CONTACT:**  
Gregory Cooke, Deputy Chief, Policy  
and Licensing Division, Public Safety  
and Homeland Security Bureau, at (202)  
418–7452, or by email at  
[Gregory.Cooke@fcc.gov](mailto:Gregory.Cooke@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a  
summary of the Commission's Order on  
Reconsideration (*Order*) in EB Docket  
No. 04–296 and PS Docket No. 15–94,  
FCC 18–102, adopted on July 23, 2018,  
and released on July 24, 2018. The full  
text of this document is available for  
inspection and copying during normal  
business hours in the FCC Reference  
Center (Room CY–A257), 445 12th  
Street SW, Washington, DC 20554. The  
full text may also be downloaded at:  
[www.fcc.gov](http://www.fcc.gov).

### Synopsis

1. In the *Order*, the Commission  
partially denies and partially grants the  
petition for partial reconsideration  
(Petition) of the EAS requirements for  
FSS satellite operators jointly filed by  
PanAmSat Corporation, SES Americom,  
Inc., and Intelsat, Ltd. (Petitioners).  
Specifically, the Commission denies  
Petitioners' request to shift the EAS  
obligations adopted for Ku band FSS  
licensees to the video programming

distributors that lease transponder  
capacity from such licensees. The  
Commission also denies Petitioners'  
alternative request to not apply the FSS  
EAS rules to FSS satellite operations  
subject to satellite capacity lease  
agreements already in place when the  
FSS EAS requirements became effective.  
The Commission does, however, grant  
the Petition to the extent that it adopts  
more specific criteria for determining  
when EAS obligations are triggered for  
FSS licensees whose satellites are used  
to provide programming directed  
primarily to consumers outside the U.S.,  
with only incidental reception by  
consumers in the U.S.

### I. Background

#### A. The EAS

2. The EAS is a national public  
warning system through which  
broadcasters, cable systems, and other  
service providers (EAS Participants)  
deliver alerts to the public to warn them  
of impending emergencies and dangers  
to life and property. The primary  
purpose of the EAS is to provide the  
President with “the capability to  
provide immediate communications and  
information to the general public at the  
national, state and local levels during  
periods of national emergency.” The  
EAS also is used by state and local  
governments, as well as the National  
Weather Service, to distribute alerts.

#### B. The EAS First Report and Order

3. In 2005, in recognition that  
consumers were increasingly adopting  
digital technologies as replacements for  
analog broadcast and cable systems that  
were already subject to EAS  
requirements, the Commission adopted  
the First Report and Order and Further  
Notice of Proposed Rulemaking (*First  
Report and Order*) in EB Docket No. 04–  
296, 70 FR 71023, 71072 (Nov. 25,  
2005), expanding EAS obligations to  
digital television and radio, digital  
cable, and satellite television and radio  
services. The Commission deemed that  
“some level of EAS participation must  
be established for these new digital  
services to ensure that large portions of  
the American public are able to receive  
national and/or regional public alerts  
and warnings.”

4. With respect to satellite video  
services, the Commission, in part  
pursuant to its jurisdiction under  
section 303(v) of the Communications  
Act of 1934, as amended (the “Act”), to  
regulate direct-to-home (DTH) satellite  
services, extended EAS obligations to  
DBS services, as defined in section  
25.701(a)(1)–(3) of the Commission's  
rules. As used in section 25.701(a), the

definition of DBS includes entities  
licensed to operate FSS satellites in the  
Ku band that “sell or lease capacity to  
a video programming distributor that  
offers service directly to consumers  
providing a sufficient number of  
channels so that four percent of the total  
applicable programming channels yields  
a set aside of at least one channel of  
non-commercial programming pursuant  
to [section 25.701(e) of the  
Commission's rules]” (hereinafter,  
“DTH–FSS licensees”). The  
Commission anticipated that this  
definition would “ensure[] that the EAS  
rules apply to the vast majority of  
existing DTH satellite services,  
particularly those for which viewers  
may have expectations as to available  
warnings based on experience with  
broadcast television services.” With  
respect to compliance requirements, the  
Commission generally required DBS  
entities to participate in national EAS  
activations, and meet related  
monitoring, testing and equipment  
readiness requirements.

5. The Commission, however, allowed  
DTH–FSS licensees to delegate their  
EAS obligations to the video  
programming distributors that lease  
capacity on their satellites. Specifically,  
the Commission stated that “compliance  
with EAS requirements may be  
established based upon a certification  
from a [video programming] distributor  
that expressly states that the distributor  
has complied with the EAS  
obligations.” The Commission added  
that the DTH–FSS licensees “will not be  
required to verify compliance by  
distributors unless there is evidence that  
the distributor has not met its  
obligation.” The Commission concluded  
that placing ultimate compliance  
responsibility on the DTH–FSS  
licensees under this scheme was not  
unduly burdensome because the  
“certification requirements can be  
included in satellite carriage and leasing  
contracts,” and because it was similar to  
the certification scheme adopted for FSS  
Part 25 licensees to meet their DBS  
public interest obligations. The  
Commission declined to apply EAS  
obligations to Home Satellite Dish  
(HSD) service, which also falls under  
the Commission's DTH jurisdiction.

#### C. The Petition

6. The Petitioners state that they  
“support the application of the EAS  
requirements to DTH–FSS services,” but  
seek reconsideration of three aspects of  
the Commission's decision adopting  
such requirements. First, the Petition  
requests that the Commission modify  
the FSS EAS requirements adopted in  
the *First Report and Order* by applying