

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 64**

[Docket ID FEMA-2017-0002; Internal Agency Docket No. FEMA-8483]

**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
<b>Region V</b>				
Indiana:				
Salem, City of, Washington County .....	180279	May 5, 1972, Emerg; August 15, 1978, Reg; June 21, 2017, Susp.	June 21, 2017 ..	June 21, 2017
Washington County, Unincorporated Areas.	180446	July 30, 1996, Emerg; N/A, Reg; June 21, 2017, Susp.	.....do* .....	Do.
<b>Region VII</b>				
Iowa:				
Earlham, City of, Madison County .....	190570	September 6, 1977, Emerg; September 30, 1988, Reg; June 21, 2017, Susp.	.....do .....	Do.
Madison County, Unincorporated Areas	190887	September 10, 1993, Emerg; September 1, 1996, Reg; June 21, 2017, Susp.	.....do .....	Do.
Patterson, City of, Madison County .....	190451	March 27, 1979, Emerg; January 1, 1987, Reg; June 21, 2017, Susp.	.....do .....	Do.
St. Charles, City of, Madison County ....	190802	August 16, 2010, Emerg; October 6, 2010, Reg; June 21, 2017, Susp.	.....do .....	Do.
Winterset, City of, Madison County .....	190944	April 24, 1992, Emerg; May 3, 1993, Reg; June 21, 2017, Susp.	.....do .....	Do.
<b>Region VIII</b>				
North Dakota: Foster County, Unincorporated Areas.	380696	March 26, 1997, Emerg; May 4, 1998, Reg; June 21, 2017, Susp.	.....do .....	Do.
<b>Region IX</b>				
California:				
Arcata, City of, Humboldt County .....	060061	May 29, 1975, Emerg; May 2, 1983, Reg; June 21, 2017, Susp.	.....do .....	Do.
Eureka, City of, Humboldt County .....	060062	June 9, 1975, Emerg; June 1, 1982 Reg; June 21, 2017, Susp.	.....do .....	Do.
Humboldt County, Unincorporated Areas.	060060	September 11, 1974, Emerg; July 19, 1982, Reg; June 21, 2017, Susp.	.....do .....	Do.

-do- = Ditto.

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

Dated: May 23, 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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**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**49 CFR Part 7**

**RIN 2105-AE62**

**Updates to Comply With the FOIA Improvement Act of 2016 and Other Technical Amendments; Final Rule; Correction**

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Final rule; correction.

**SUMMARY:** The Department of Transportation is correcting a final rule that appeared in the **Federal Register** on May 5, 2017. The document issued a

final rule that made technical changes to the Department of Transportation’s regulations prescribing procedures for the public availability of information.

**DATES:** This final rule is effective June 5, 2017.

**FOR FURTHER INFORMATION CONTACT:** Claire McKenna, Senior Attorney, Office of the General Counsel, U.S. Department of Transportation, Washington, DC, at *claire.mckenna@dot.gov* or (202) 366-0365.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2017-08925 appearing on page 21136 in the **Federal Register** on May 5, 2017, the following corrections are made:

**I. Purpose of the Regulatory Action [Corrected]**

- 1. On page 21136, the last sentence of the third column stating, “In section 7.23, the rule amends subparagraph (c)(5) to state that Exemption 5’s deliberative process privilege only applies to records created 25 years or more before the date on which the records are requested, and the rule adds a new paragraph (d) to prohibit DOT from withholding information under this section unless DOT reasonably

foresees that disclosure will harm an interest protected by a FOIA exemption, or the disclosure is prohibited by law” is corrected to read, “In section 7.23, the rule amends paragraph (c)(5) to state that Exemption 5’s deliberative process privilege does not apply to records created 25 years or more before the date on which the records are requested, and the rule adds a new paragraph (d) to prohibit DOT from withholding information under this section unless DOT reasonably foresees that disclosure will harm an interest protected by a FOIA exemption, or the disclosure is prohibited by law.”

**§ 7.23 [Corrected]**

- 2. On page 21139, in the first and second columns, amendatory instruction 4 and the amended text of § 7.23 are corrected to read as follows:
- 4. Amend § 7.23 as follows:
  - a. Revise paragraph (c)(5);
  - b. Redesignate paragraphs (d) and (e) as paragraphs (e) and (f) respectively; and
  - c. Add new paragraph (d).

The revision and addition read as follows: