

States<sup>2</sup> is required to hold economic authority from the Department pursuant to 49 U.S.C. 41101, either in the form of a “certificate of public convenience and necessity” or in the form of an exemption from the certificate requirement. This authority is separate and distinct from any safety authority required by the Federal Aviation Administration (FAA).

Companies proposing to operate UAS to engage in air transportation, including the delivery of goods for compensation, must first obtain certificate or exemption authority from the Department prior to engaging in the air transportation. The Department intends to use its existing regulatory procedures for processing UAS operators’ requests for economic authority. The Department’s regulation in 14 CFR part 298 (part 298) provides an exemption to air taxi operators from the certificate requirements of 49 U.S.C. 41101, provided that, among other things, the air carrier is a citizen of the United States as defined in 49 U.S.C. 40102(a)(15), maintains liability insurance required by part 205 of our rules (14 CFR part 205), and registers with the Department.<sup>3</sup> The exemption authority conferred by part 298 is not available to air carriers that operate “large” aircraft.<sup>4</sup> For UAS operators looking to transport goods for compensation, an exemption under part 298 is an appropriate form of economic authority. The Department will consider whether granting the exemption is appropriate based on the specific facts and circumstances of each proposed operation.

To become an air taxi operator, operators must submit a registration application (OST Form 4507) and a current aircraft liability insurance

international, or U.S. territorial boundaries, or wholly within a U.S. territory or the District of Columbia, or between islands in the State of Hawaii; or the transportation of more than a *de minimis* volume of property moving as part of a continuous journey when any portion of the journey is conducted by aircraft. The assessment of whether property transported wholly within one state is more than a *de minimis* amount or is part of a continuous journey thereby constituting “air transportation” is specific to the facts and circumstances of each operation. 49 U.S.C. 40102(a)(5) and 14 CFR 298.2.

<sup>2</sup> A “citizen of the United States” includes a corporation organized in the United States that (1) meets certain specified standards regarding the citizenship of its president, officers and directors, and holders of its voting interest and (2) is under the actual control of citizens of the United States. 49 U.S.C. 40102(a)(15).

<sup>3</sup> See 14 CFR 298.3, 298.11, and 298.24.

<sup>4</sup> Large aircraft means any aircraft originally designed to have a maximum passenger capacity of more than 60 seats or a maximum payload capacity of more than 18,000 pounds (See 14 CFR 298.2).

certificate (OST Form 6410).<sup>5</sup> A stamped OST Form 4507 with an effective date will be sent to the operator as confirmation of its approved air taxi registration with the Department. Initial registrations must be mailed along with the required filing fee.<sup>6</sup> Air taxis located in the State of Alaska must submit their OST Form 4507 and OST Form 6410 to Federal Aviation Administration, Alaskan Regional Headquarters, AAL-231, 222 West 7th Ave., Box 14, Anchorage, Alaska 99513. All other air taxis must submit their OST Form 4507 and OST Form 6410 to Federal Aviation Administration, AFS-200, Rm. 831, 800 Independence Ave. SW, Washington, DC 20591. Amendments may be filed electronically at [AFS-260-Insurance@faa.gov](mailto:AFS-260-Insurance@faa.gov). Additional instruction material concerning air taxi registration can also be found in the FAA’s air taxi guidance handbook, “How to Become an On-Demand Air Carrier Operator.”

Signed in Washington, DC, on April 24, 2018.

**Joel Szabat,**

*Deputy Assistant Secretary for Aviation and International Affairs.*

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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-8527]

#### 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

<sup>5</sup> Copies of both forms can be found at: [https://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/offices/afx/afs/afs200/afs260/exemptions/](https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs200/afs260/exemptions/).

<sup>6</sup> Filing fee information is available at the above link and on OST Form 4507.

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 III</b>				
Pennsylvania:				
Catharine, Township of, Blair County ...	420962	October 4, 1973, Emerg; August 1, 1980, Reg; May 2, 2018, Susp.	May 2, 2018 .....	May 2, 2018.
Morris, Township of, Huntingdon County.	421696	August 9, 1982, Emerg; December 4, 1985, Reg; May 2, 2018, Susp.	.....do*..... .....	Do.
Spruce Creek, Township of, Huntingdon County.	422621	February 18, 1975, Emerg; March 2, 1989, Reg; May 2, 2018, Susp.	.....do .....	Do.
Tyrone, Township of, Blair County .....	421395	December 17, 1975, Emerg; June 18, 1980, Reg; May 2, 2018, Susp.	.....do .....	Do.
Warriors Mark, Township of, Huntingdon County.	421705	November 22, 1977, Emerg; March 2, 1989, Reg; May 2, 2018, Susp.	.....do .....	Do.

do =Ditto.

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

Dated: April 24, 2018.

**Eric Letvin,**

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

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