

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R06-OAR-2015-0850; FRL-9993-58-Region 6]

#### Air Plan Approval; New Mexico; Approval of Revised Statutes; Error Correction

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Partial withdrawal of direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is withdrawing a portion of a direct final rule published on February 27, 2019 because relevant adverse comments were received. The rule pertained to EPA approval of revisions to New Mexico's State Implementation Plan (SIP) incorporating updates to SIP-approved New Mexico statutes, as well as removing several provisions from the SIP, as EPA's previous approval of these provisions into the SIP was done in error. In a separate subsequent final rulemaking, EPA will address the portion of the direct final on which relevant adverse comments were received.

**DATES:** Effective May 16, 2019, the EPA withdraws amendatory instructions 2.b. and 2.h. in the direct final rule published at 84 FR 6334, on February 27, 2019.

**FOR FURTHER INFORMATION CONTACT:** Jeff Riley, Infrastructure and Ozone Section, 1445 Ross Avenue, Dallas, Texas, Suite 700, Dallas, TX 75202, 214-665-8542, [riley.jeffrey@epa.gov](mailto:riley.jeffrey@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document "we," "us," and "our" means the EPA. On February 27, 2019 we published a direct final rule to approve revisions to the New Mexico SIP incorporating updates to SIP-approved New Mexico statutes, as well as removing several provisions from the SIP, as EPA's previous approval of these

provisions into the SIP was done in error (84 FR 6334). The direct final rule was published without prior proposal because we anticipated no adverse comments. We stated in the direct final rule that if we received relevant adverse comments by March 29, 2019, we would publish a timely withdrawal in the **Federal Register**. We received relevant adverse comments regarding the removal of New Mexico Statutes Annotated 1978 (NMSA) sections 74-2-6, 74-2-12, and 74-2-13 and accordingly are withdrawing the portion of the direct final rule on which adverse comments were received. In a separate subsequent final rulemaking we will address the comments received.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 9, 2019.

**David Gray,**

*Acting Regional Administrator, Region 6.*

■ Accordingly, amendatory instructions 2.b. and 2.h., published in the **Federal Register** on February 27, 2019 (84 FR 6334), which were to become effective on May 28, 2019, are withdrawn as of May 16, 2019.

[FR Doc. 2019-09942 Filed 5-15-19; 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-8579]

#### 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 V</b>				
Illinois:				
Beardstown, City of, Cass County .....	170022	May 9, 1975, Emerg; May 2, 1980, Reg; May 16, 2019, Susp.	May 16, 2019 ...	May 16, 2019.
Cass County, Unincorporated Areas .....	170810	June 10, 1974, Emerg; November 15, 1985, Reg; May 16, 2019, Susp.	.....do .....	Do.
Michigan:				
Bay, Township of, Charlevoix County ...	260796	April 8, 1987, Emerg; September 18, 1987, Reg; May 16, 2019, Susp.	.....do .....	Do.
Charlevoix, City of, Charlevoix County	260057	December 13, 1974, Emerg; February 11, 1983, Reg; May 16, 2019, Susp.	.....do .....	Do.
Charlevoix, Township of, Charlevoix County.	260790	January 9, 1987, Emerg; September 18, 1987, Reg; May 16, 2019, Susp.	.....do .....	Do.
Eveline, Township of, Charlevoix County.	260773	September 8, 1986, Emerg; September 18, 1987, Reg; May 16, 2019, Susp.	.....do .....	Do.
Marion, Township of, Charlevoix County	260808	September 15, 1987, Emerg; April 15, 1988, Reg; May 16, 2019, Susp.	.....do .....	Do.
South Arm, Township of, Charlevoix County.	260761	May 14, 1986, Emerg; March 18, 1987, Reg; May 16, 2019, Susp.	.....do .....	Do.
<b>Region VI</b>				
Arkansas:				
Clarksville, City of, Johnson County .....	050112	June 26, 1975, Emerg; September 30, 1982, Reg; May 16, 2019, Susp.	.....do .....	Do.
Coal Hill, City of, Johnson County .....	050315	August 6, 1975, Emerg; May 4, 1982, Reg; May 16, 2019, Susp.	.....do .....	Do.
Hartman, City of, Johnson County .....	050251	November 10, 2009, Emerg; November 26, 2010, Reg; May 16, 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
Johnson County, Unincorporated Areas	050441	June 28, 2005, Emerg; August 1, 2008, Reg; May 16, 2019, Susp.	.....do .....	Do.
Oklahoma:				
Bethel Acres, Town of, Pottawatomie County.	400346	June 16, 1989, Emerg; December 1, 1989, Reg; May 16, 2019, Susp.	.....do .....	Do.
Calvin, Town of, Hughes County .....	400269	September 7, 1976, Emerg; March 1, 1987, Reg; May 16, 2019, Susp.	.....do .....	Do.
Checotah, City of, McIntosh County .....	400238	August 12, 1977, Emerg; June 19, 1985, Reg; May 16, 2019, Susp.	.....do .....	Do.
Citizen Potawatomi Nation, Pottawatomie County.	400553	December 1, 2000, Emerg; September 3, 2010, Reg; May 16, 2019, Susp.	.....do .....	Do.
Dustin, Town of, Hughes County .....	400371	July 9, 1976, Emerg; June 28, 1977, Reg; May 16, 2019, Susp.	.....do .....	Do.
Eufaula, City of, McIntosh County .....	400376	February 14, 1977, Emerg; September 1, 1981, Reg; May 16, 2019, Susp.	.....do .....	Do.
Holdenville, City of, Hughes County .....	400244	November 29, 1976, Emerg; August 15, 1978, Reg; May 16, 2019, Susp.	.....do .....	Do.
Hughes County, Unincorporated Areas	400467	August 6, 1988, Emerg; December 1, 1989, Reg; May 16, 2019, Susp.	.....do .....	Do.
Kickapoo Tribe of Oklahoma, Lincoln, Oklahoma and Pottawatomie Counties.	400563	February 26, 2002, Emerg; August 19, 2010, Reg; May 16, 2019, Susp.	.....do .....	Do.
Lincoln County, Unincorporated Areas	400457	September 28, 1990, Emerg; February 3, 1993, Reg; May 16, 2019, Susp.	.....do .....	Do.
McIntosh County, Unincorporated Areas	400166	January 24, 2011, Emerg; N/A, Reg; May 16, 2019, Susp.	.....do .....	Do.
McLoud, City of, Pottawatomie County	400398	December 27, 1977, Emerg; October 16, 1987, Reg; May 16, 2019, Susp.	.....do .....	Do.
Oklahoma City, City of, Canadian, Cleveland, McClain, Oklahoma and Pottawatomie Counties.	405378	March 19, 1971, Emerg; July 14, 1972, Reg; May 16, 2019, Susp.	.....do .....	Do.
Pottawatomie County, Unincorporated Areas.	400496	March 26, 1984, Emerg; June 1, 1988, Reg; May 16, 2019, Susp.	.....do .....	Do.
Shawnee, City of, Pottawatomie County	400178	April 2, 1975, Emerg; July 2, 1980, Reg; May 16, 2019, Susp.	.....do .....	Do.
Tecumseh, City of, Pottawatomie County.	400179	February 10, 1975, Emerg; July 16, 1980, Reg; May 16, 2019, Susp.	.....do .....	Do.
Wetumka, City of, Hughes County .....	400453	December 5, 1977, Emerg; January 3, 1986, Reg; May 16, 2019, Susp.	.....do .....	Do.

\*-do- = Ditto.

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

Dated: May 2, 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. 2019–10190 Filed 5–15–19; 8:45 am]

BILLING CODE 9110–12–P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 229**

[Docket No. 180522499–9223–02]

RIN 0648–BH96

**List of Fisheries for 2019**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** The National Marine Fisheries Service (NMFS) publishes its final List of Fisheries (LOF) for 2019, as required by the Marine Mammal Protection Act (MMPA). The LOF for 2019 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan (TRP) requirements.

**DATES:** The effective date of this final rule is June 17, 2019.

**ADDRESSES:** Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Jaclyn Taylor, Office of Protected Resources, 301–427–8402; Allison Rosner, Greater Atlantic Region, 978–281–9328; Jessica Powell, Southeast Region, 727–824–5312; Dan Lawson, West Coast Region, 562–980–3209; Suzie Teerlink, Alaska Region, 907–586–7240; Kevin Brindock, Pacific Islands Region, 808–725–5146. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m.