

Dated: October 29, 2007.

**David I. Maurstad,**

*Assistant Administrator Mitigation,  
Department of Homeland Security, Federal  
Emergency Management Agency.*

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA-7997]

#### 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.

**ADDRESSES:** If you want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office.

**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 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 IV</b>				
Tennessee: Arlington, Township of, Shelby County.	470262	September 10, 1981, Emerg; September 10, 1981, Reg; September 28, 2007, Susp.	09/28/2007 .....	09/28/2007
<b>Region V</b>				
Illinois:				
Clinton, City of, DeWitt County .....	170193	February 17, 1976, Emerg; August 15, 1983, Reg; November 2, 2007, Susp.	11/02/2007 .....	11/02/2007
DeWitt County, Unincorporated Areas..	170192	July 28, 1975, Emerg; September 29, 1989, Reg; November 2, 2007, Susp.	.....do* .....	do.
<b>Region VI</b>				
Texas:				
Cibolo, City of, Guadalupe County	480267	November 2, 1974, Emerg; May 19, 1981, Reg; November 2, 2007, Susp.	.....do .....	do.
Marion, City of, Guadalupe County	480268	June 6, 1977, Emerg; January 3, 1986, Reg; November 2, 2007, Susp.	.....do .....	do.
New Berlin, City of, Guadalupe County.	481625	December 1, 2004, Emerg; December 1, 2004, Reg; November 2, 2007, Susp.	.....do .....	do.
New Braunfels, City of, Guadalupe County.	485493	December 4, 1970, Emerg; December 1, 1972, Reg; November 2, 2007, Susp.	.....do .....	do.
Schertz, City of, Guadalupe County	480269	November 2, 1973, Emerg; September 15, 1977, Reg; November 2, 2007, Susp.	.....do .....	do.
Seguin, City of, Guadalupe County	485508	October 9, 1970, Emerg; June 18, 1971, Reg; November 2, 2007, Susp.	.....do .....	do.
Selma, City of, Guadalupe County	480046	October 1, 1975, Emerg; July 2, 1980, Reg; November 2, 2007, Susp.	.....do .....	do.
St. Hedwig, City of, Guadalupe County.	481132	February 5, 1997, Emerg; February 5, 1997, Reg; November 2, 2007, Susp.	.....do .....	do.
<b>Region VII</b>				
Kansas:				
Blue Mound, City of, Linn County ...	200195	February 18, 1976, Emerg; July 6, 1984, Reg; November 2, 2007, Susp.	.....do .....	do.
Linn County, Unincorporated Areas.	200194	July 3, 1996, Emerg; —, Reg; November 2, 2007, Susp.	.....do .....	do.
Mound City, City of, Linn County ....	200197	July 17, 2002, Emerg; —, Reg; November 2, 2007, Susp.	.....do .....	do.

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

Dated: October 31, 2007.

**David I. Maurstad,**  
Assistant Administrator, Mitigation,  
Department of Homeland Security, Federal  
Emergency Management Agency.  
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**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Parts 202, 212, and 225**

**RIN 0750-AF74**

**Defense Federal Acquisition Regulation Supplement; Waiver of Specialty Metals Restriction for Acquisition of Commercially Available Off-the-Shelf Items (DFARS Case 2007-D013)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement

(DFARS) to waive application of 10 U.S.C. 2533b for acquisitions of commercially available off-the-shelf (COTS) items. 10 U.S.C. 2533b, established by Section 842 of the National Defense Authorization Act for Fiscal Year 2007, places restrictions on the acquisition of specialty metals not melted or produced in the United States.

**DATES:** *Effective Date:* November 8, 2007.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition Regulations System, OUSD (AT&L)DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone 703-602-0328; facsimile 703-602-7887. Please cite DFARS Case 2007-D013.

**SUPPLEMENTARY INFORMATION:**