

subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. This rule is not subject to the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, because it does not include any information collection requirements. This rule is not subject to the requirements of the National Technology Transfer and Advancement Act (NTTAA) because it does not include provisions for technical standards.

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the US Senate, the US House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule correction will be effective on August 16, 1999.

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: August 5, 1999.

Jack W. McGraw,

Acting Regional Administrator, Region VIII

Accordingly, 40 CFR part 62 is corrected by making the following correcting amendments:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401-7671.

Subpart JJ—North Dakota

2. Revise the undesignated center heading and § 62.8610, 62.8611, and 62.8612 to subpart JJ to read as follows:

Air Emissions From Hospital/Medical/Infectious Waste Incinerators

§ 62.8610 Identification of Plan.

Section 111(d) Plan for Hospital/Medical/Infectious Waste Incinerators and the associated State regulation in section 33-15-12-02 of the North Dakota Administrative Code submitted by the State on October 6, 1998.

§ 62.8611 Identification of Sources.

The plan applies to all existing hospital/medical/infectious waste incinerators for which construction was commenced on or before June 20, 1996, as described in 40 CFR part 60, subpart C.

§ 62.8612 Effective Date.

The effective date for the portion of the plan applicable to existing hospital/medical/infectious waste incinerators is July 12, 1999.

[FR Doc. 99-21166 Filed 8-13-99; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7719]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

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 suspended 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 be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea Jr., Division Director, Program Support Division, Mitigation

Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646-3619.

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 National Flood Insurance Program, 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 *et seq.* 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, the Federal Emergency Management Agency has identified the special flood hazard areas 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 the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency'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 Associate Director 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 a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been 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 Associate Director 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 they take remedial action.

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.

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.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism,

October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

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/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region I				
Connecticut: Vernon, town of, Tolland County.	090131	January 26, 1973, Emerg.; December 4, 1979, Reg.; August 9, 1999, Susp.	August 9, 1999	August 9, 1999.
Massachusetts: Bourne, town of, Barnstable County.	255210	April 30, 1971, Emerg.; June 29, 1973, Reg.; August 9, 1999, Susp.	.....do	Do.
Region III				
Pennsylvania: Upper Merion, township of, Montgomery County.	420957	December 17, 1973, Emerg.; November 16, 1977, Reg.; August 9, 1999, Susp.	.....do	Do.
Region IV				
North Carolina: Wilkesboro, town of, Wilkes County.	370259	April 15, 1974, Emerg.; June 1, 1987, Reg.; August 9, 1999, Susp.	.....do	Do.
Region X				
Washington: Brewster, city of, Okanogan County.	530275	February 14, 1975, Emerg.; September 1, 1977, Reg.; August 9, 1999, Susp.	.....do	Do.
Region I				
New Hampshire: Concord, city of, Merrimack County.	330110	July 17, 1974, Emerg.; March 4, 1980, Reg.; August 23, 1999, Susp.	August 23, 1999	August 23, 1999.
Region II				
New Jersey: Absecon, city of, Atlantic County.	340001	December 23, 1971, Emerg.; March 5, 1976, Reg.; August 23, 1999, Susp.	.....do	Do.
New York: Buffalo, city of, Erie County	360230	January 16, 1974, Emerg.; November 18, 1981, Reg.; August 23, 1999, Susp.	.....do	Do.
Region III				
Pennsylvania: Tunkhannock, borough of, Wyoming County.	420917	April 18, 1973, Emerg.; December 18, 1979, Reg.; August 23, 1999 Susp.	.....do	Do.
Tunkhannock, township of, Wyoming County.	422206	June 9, 1975, Emerg.; July 15, 1988, Reg.; August 23, 1999, Susp.	.....do	Do.
Region IV				
South Carolina: Atlantic Beach, town of, Horry County ...	450222	October 28, 1976, Emerg.; May 15, 1978, Reg.; August 23, 1999, Susp.	.....do	Do.
Aynor, town of, Horry County	450105	April 3, 1975, Emerg.; January 26, 1983, Reg.; August 23, 1999, Susp.	.....do	Do.
Briarcliffe Acres, town of, Horry County	450232	November 25, 1977, Emerg.; June 15, 1979, Reg.; August 23, 1999, Susp.	.....do	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Conway, city of, Horry County	450106	November 7, 1974, Emerg.; September 28, 1979, Reg.; August 23, 1999, Susp.	.....do	Do.
Horry County, unincorporated areas	450104	December 8, 1980, Emerg.; February 15, 1984, Reg; August 23, 1999, Susp.	.....do	Do.
Loris, city of, Horry County	450108	August 6, 1975, Emerg.; September 1, 1986, Reg.; August 23, 1999, Susp.	.....do	Do.
Myrtle Beach, city of, Horry County	450109	October 15, 1971, Emerg.; July 5, 1977, Reg.; August 23, 1999, Susp.	.....do	Do.
North Myrtle Beach, city of, Horry County.	450110	August 23, 1974, Emerg.; October 14, 1977, Reg.; August 23, 1999, Susp.	.....do	Do.
Surfside Beach, town of, Horry County ..	450111	September 10, 1971, Emerg.; December 17, 1976, Reg.; August 23, 1999, Susp.	.....do	Do.
Sumter County, unincorporated areas ...	450182	September 17, 1979, Emerg.; January 5, 1989, Reg.; August 23, 1999, Susp.	.....do	Do.
Region VI				
Arkansas:				
Crawford County, unincorporated areas	050428	June 29, 1990, Emerg.; August 5, 1991, Reg.; August 23, 1999, Susp.	.....do	Do.
Crittenden County, unincorporated areas	050429	May 18, 1983, Emerg.; November 1, 1985, Reg.; August 23, 1999, Susp.	.....do	Do.
Earle, city of, Crittenden County	050054	June 20, 1974, Emerg.; January 3, 1986, Reg.; August 23, 1999, Susp.	.....do	Do.
Van Buren, city of, Crawford County	050053	January 16, 1974, Emerg.; November 16, 1977, Reg.; August 23, 1999, Susp.	.....do	Do.
Region VI				
New Mexico:				
Clovis, city of, Curry County	350010	May 1, 1974, Emerg.; February 4, 1981, Reg.; August 23, 1999, Susp.	.....do	Do.
Region VIII				
Colorado:				
Calhan, town of, El Paso County	080192	March 12, 1976, Emerg.; March 18, 1986, Reg.; August 23, 1999, Susp.	.....do	Do.
El Paso County, unincorporated areas ..	080059	March 9, 1973, Emerg.; December 18, 1986, Reg.; August 23, 1999, Susp.	.....do	Do.
Region IX				
California: East Palo Alto, city of, San Mateo County.	060708	March 19, 1984, Emerg.; September 19, 1984, Reg.; August 23, 1999, Susp.	.....do	Do.

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

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: August 6, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99-21142 Filed 8-13-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket Nos. 96-149 and 96-61; FCC 99-103]

Regulatory Treatment of LEC Provision of Interexchange Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to allow independent local exchange carriers

(LECs) that provide in-region, long distance services solely on a resale basis to do so through a separate corporate division rather than a separate legal entity.

EFFECTIVE DATE: September 15, 1999.

FOR FURTHER INFORMATION CONTACT: Andrea Kearney, Attorney, Common Carrier Bureau, Policy and Program Planning Division, (202) 418-1580.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Order On Reconsideration adopted May 18, 1999, and released June 30, 1999 (FCC 99-103). The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center, 425 12th Street, SW, Washington, D.C. The complete text also may be obtained through the World Wide Web, at <http://www.fcc.gov/Bureaus/Common Carrier/Order/fcc99-103.wp>, or may be purchased from the Commission's copy contractor, International Transcription

Service, Inc., (202) 857-3800, 1231 20th St., N.W., Washington, D.C. 20036.

Synopsis of Second Order on Reconsideration

1. In this second order on reconsideration, we modify our conclusion in the *LEC Classification Order*, 62 FR 35974 (July 3, 1997) and allow independent LECs that provide in-region, long distance services solely on a resale basis to do so through a separate corporate division rather than a separate legal entity. The record indicates that this group includes most of the small and mid-sized LECs that currently provide in-region, long distance services. We also clarify the meaning of the term "interexchange" to avoid any possibility of unnecessary application of the Commission's separate affiliate requirements. In addition, we affirm our decision relaxing regulation of the BOCs' section 272 interLATA affiliates, i.e., by classifying these affiliates as non-