

International Money Transfer Service  
Inbound Surface Parcel Post (at non-UPU rates)

International Ancillary Services  
International Certificate of Mailing  
International Registered Mail  
International Return Receipt  
International Restricted Delivery  
International Insurance  
Negotiated Service Agreements  
Domestic  
Outbound International

Part C—Glossary of Terms and Conditions [Reserved]

Part D—Country Price Lists for International Mail [Reserved]

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BILLING CODE 7710–FW–P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–8293]

#### 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 <http://www.fema.gov/fema/csb.shtm>.

**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.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further

information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

**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.* 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, 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 I</b>				
Rhode Island:				
Jamestown, Town of, Newport County	445399	November 20, 1970, Emerg; April 21, 1972, Reg; September 4, 2013, Susp.	September 4, 2013.	September 4, 2013.
Little Compton, Town of, Newport County.	440035	May 9, 1975, Emerg; August 17, 1981, Reg; September 4, 2013, Susp.	.....do* .....	Do.
Middletown, Town of, Newport County	445401	September 11, 1970, Emerg; April 9, 1971, Reg; September 4, 2013, Susp.	.....do .....	Do.
Newport, City of, Newport County .....	445403	June 19, 1970, Emerg; December 4, 1970, Reg; September 4, 2013, Susp.	.....do .....	Do.
Portsmouth, Town of, Newport County	445405	July 30, 1971, Emerg; August 24, 1973, Reg; September 4, 2013, Susp.	.....do .....	Do.
Tiverton, Town of, Newport County .....	440012	August 18, 1972, Emerg; May 2, 1977, Reg; September 4, 2013, Susp.	.....do .....	Do.
<b>Region III</b>				
Maryland:				
Charles County, Unincorporated Areas	240089	March 30, 1973, Emerg; June 5, 1985, Reg; September 4, 2013, Susp.	.....do .....	Do.
Indian Head, Town of, Charles County	240091	January 28, 1974, Emerg; October 15, 1985, Reg; September 4, 2013, Susp.	.....do .....	Do.
La Plata, Town of, Charles County .....	240092	January 21, 1974, Emerg; April 17, 1985, Reg; September 4, 2013, Susp.	.....do .....	Do.
<b>Region V</b>				
Minnesota:				
Adams, City of, Mower County .....	270308	February 12, 1974, Emerg; August 15, 1979, Reg; September 4, 2013, Susp.	.....do .....	Do.
Austin, City of, Mower County .....	275228	September 25, 1970, Emerg; May 14, 1971, Reg; September 4, 2013, Susp.	.....do .....	Do.
Brownsdale, City of, Mower County .....	270310	July 5, 1974, Emerg; March 18, 1985, Reg; September 4, 2013, Susp.	.....do .....	Do.
LeRoy, City of, Mower County .....	270583	May 2, 1974, Emerg; May 15, 1980, Reg; September 4, 2013, Susp.	.....do .....	Do.
Mapleview, City of, Mower County .....	270586	April 30, 1974, Emerg; May 15, 1984, Reg; September 4, 2013, Susp.	.....do .....	Do.
Mower County, Unincorporated Areas ..	270307	December 22, 1972, Emerg; July 16, 1979, Reg; September 4, 2013, Susp.	.....do .....	Do.
Rose Creek, City of, Mower County .....	270598	April 16, 1979, Emerg; July 16, 1979, Reg; September 4, 2013, Susp.	.....do .....	Do.
Waltham, City of, Mower County .....	270311	September 8, 1975, Emerg; October 16, 1979, Reg; September 4, 2013, Susp.	.....do .....	Do.
<b>Region IX</b>				
Nevada:				
Carlin, City of, Elko County .....	320009	February 11, 1975, Emerg; February 1, 1984, Reg; September 4, 2013, Susp.	.....do .....	Do.
Elko, City of, Elko County .....	320010	August 2, 1974, Emerg; February 1, 1984, Reg; September 4, 2013, Susp.	.....do .....	Do.
Elko County, Unincorporated Areas .....	320027	June 23, 1978, Emerg; February 1, 1984, Reg; September 4, 2013, Susp.	.....do .....	Do.
West Wendover, City of, Elko County ...	320037	N/A, Emerg; April 14, 2008, Reg; September 4, 2013, Susp.	.....do .....	Do.

\* -do- =Ditto.

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

Dated: July 22, 2013.

**David L. Miller,**

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

[FR Doc. 2013-20318 Filed 8-19-13; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1241

[Docket No. EP 706]

#### Reporting Requirements for Positive Train Control Expenses and Investments

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (Board) is amending its rules to require rail carriers that submit to the Board R-1 reports that identify information on capital and operating expenditures for Positive Train Control (PTC) to separately report those expenses so that they can be viewed both as component parts of, as well as separately from, other capital investments and expenses. PTC is an automated system designed to prevent train-to-train collisions and other accidents. Rail carriers with traffic routes that carry passengers and/or hazardous toxic-by-inhalation (TIH) or poisonous-by-inhalation (PIH) materials, as so designated under federal law, must implement PTC according to federal legislation. Pursuant to the notice of proposed rulemaking published in the **Federal Register** on October 13, 2011, we are adopting supplemental schedules to the R-1 to require financial disclosure with respect to PTC to help inform the Board and the public about the specific costs attributable to PTC implementation.

**DATES:** This rule is effective on September 19, 2013.

**FOR FURTHER INFORMATION CONTACT:** Paul Aguiar, (202) 245-0323. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** Rail carriers must file with the Board an annual report containing “an account, in as much detail as the Board may require, of the affairs of the rail carrier.” 49 U.S.C. 11145(b)(1). As authorized by this provision, the Board requires large

(Class I)<sup>1</sup> rail carriers to submit annual reports, known as R-1 reports. 49 CFR 1241.11.<sup>2</sup> The R-1 reports contain information about finances and operating statistics for each railroad. Currently, PTC expenditures are incorporated into the R-1 under the category of “capital investments and expenses;” however, PTC expenditures are not reported separately.

PTC is a system designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position. 49 U.S.C. 20157(i)(3). PTC systems may include digital data link communications networks, positioning systems, on-board computers on locomotives, throttle-brake interfaces on locomotives, wayside interface units at switches and wayside detectors, and control center computers.<sup>3</sup> The Rail Safety Improvement Act of 2008 (RSIA) requires Class I rail carriers to implement PTC by December 31, 2015, on mainlines where intercity rail passenger transportation or commuter rail passenger transportation is regularly scheduled, and/or on mainlines over which TIH or PIH, as designated in 49 CFR 171.8, 173.115, and 173.132, are transported. 49 U.S.C. 20157(a)(1).<sup>4</sup> In complying with the RSIA, rail carriers are expected to make expenditures

<sup>1</sup> The Board designates three classes of freight railroads based upon their operating revenues, for three consecutive years, in 1991 dollars, using the following scale: Class I—\$250 million or more; Class II—less than \$250 million but more than \$20 million; and Class III—\$20 million or less. These operating revenue thresholds are adjusted annually for inflation. 49 CFR part 1201, 1-1. Adjusted for inflation, the revenue threshold for a Class I rail carrier using 2012 data is \$452,653,248. Today, there are seven Class I carriers.

<sup>2</sup> Information about the R-1 report, including the schedules discussed in this rulemaking, past R-1 reports, and a blank R-1 form, is available on the Board’s Web site. STB Industry Data, [http://www.stb.dot.gov/stb/industry/econ\\_reports.html](http://www.stb.dot.gov/stb/industry/econ_reports.html).

<sup>3</sup> The Federal Railroad Administration (FRA) provides more information online. Federal Railroad Administration, Positive Train Control, <http://www.fra.dot.gov/Page/P0152> (last visited Aug. 6, 2013).

<sup>4</sup> We note that in a 2012 report to Congress, the FRA indicated that it was not likely that all PTC implementation under the statute would be completed by the 2015 deadline, and made a series of recommendations to Congress on how to address emerging issues on implementation. FRA, *FRA Report to Congress: Positive Train Control: Implementation Status, Issues, and Impacts* (2012), available at <http://www.fra.dot.gov/eLib/Details/L03718> (last visited Aug. 13, 2013). See also *Rail Safety: Preliminary Observations on Federal Rail Safety Oversight & Positive Train Control Implementation Before the S. Comm. on Commerce, Science, & Transp.*, 113th Cong. 12-17 (2013) (statement of Susan A. Fleming, Dir. Physical Infrastructure Issues, Gov’t Accountability Office), available at <http://www.gao.gov/assets/660/655298.pdf> (last visited Aug. 13, 2013).

related to installation, operation, and maintenance of PTC.

On October 13, 2010, the Union Pacific Railroad Company (UP), a Class I rail carrier, filed a petition requesting that the Board institute a rulemaking proceeding to adopt supplemental schedules that would require Class I carriers to separately identify PTC expenditures in annual R-1 reports to the Board. Various parties filed comments supporting and opposing UP’s petition. In *Reporting Requirements for Positive Train Control Expenses & Investments*, EP 706 (STB served Feb. 10, 2011), the Board instituted a rulemaking proceeding in response to UP’s petition, but the Board made no determination about the merits of UP’s specific proposal and stated that it would address the arguments raised by the parties in their filings in a subsequent decision. On October 13, 2011, the Board served a Notice of Proposed Rulemaking (*PTC NPRM*) announcing proposed changes to its reporting rules to supplement the R-1 with details of the expenditures attributable to the installation, operation, and maintenance of PTC systems. The Board explained that the proposed “PTC Supplement,” which would separately identify PTC-related expenses from the R-1 filings currently required, would provide it with important information that would help identify transportation industry changes that may require attention by the agency and would assist the Board in preparing financial and statistical summaries and abstracts to provide itself, Congress, other government agencies, the transportation industry, and the public with transportation data useful in making regulatory policy and business decisions.

The new rule will require a PTC Supplement<sup>5</sup> to be filed along with each carrier’s R-1 annual report.<sup>6</sup> The supplement will provide for PTC versions of schedules 330 (road property and equipment improvements), 332 (depreciation base and rates—road property and equipment), 335 (accumulated depreciation), 352B (investment in railroad property), and 410 (railway operating expenses) containing dollar amounts that reflect only the amounts attributable to PTC for the filing year. The PTC Supplement will also contain PTC versions of schedules 700 (mileage operated at close of year), 710 (inventory of equipment), 710S (unit cost of equipment installed during the year), and 720 (track and traffic conditions). Railroads will also

<sup>5</sup> The PTC schedules are provided in Appendix A.

<sup>6</sup> The currently established R-1 will not change.