

Dated: December 24, 2008.

**C. Stephen Allred,**

*Assistant Secretary, Land and Minerals Management.*

■ Accordingly, for the reasons stated in the preamble and under the authorities stated below, the BLM amends 43 CFR part 3500 as set forth below.

**PART 3500—LEASING OF SOLID MINERALS OTHER THAN COAL AND OIL SHALE**

■ 1. The authority citation for part 3500 continues to read as follows:

**Authority:** 5 U.S.C. 552; 30 U.S.C. 189 and 192c; 43 U.S.C. 1733 and 1740; and sec. 402, Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix).

**Subpart 3501—Leasing of Solid Minerals Other Than Coal and Oil Shale—General**

■ 2. Amend § 3501.10 by revising paragraph (f) to read as follows:

**§ 3501.10 What types of mineral use authorizations can I get under these rules?**

\* \* \* \* \*

(f) “Lease modifications” add adjacent acreage to a Federal lease. The acreage to be added:

(1) Contains known deposits of the same mineral that can be mined only as part of the mining operation on the original Federal lease; or

(2) Has the following characteristics—  
(i) Does not contain known deposits of the same mineral;

(ii) Will be used for surface activities that are necessary in furtherance of recovery of the mineral deposit on the original Federal lease; and

(iii) Had the acreage been included in the original Federal lease at the time of the Federal lease’s issuance, the original Federal lease would have been reasonably compact.

\* \* \* \* \*

■ 3. Amend § 3510.12 by revising paragraphs (b) and (c), and by adding paragraph (d), to read as follows:

**§ 3510.12 What must I do to obtain a lease modification or fringe acreage lease?**

\* \* \* \* \*

(b) Include a non-refundable filing fee as provided in § 3000.12, Table 1, of this chapter (the fee may be found under “Leasing of Solid Minerals Other Than Coal and Oil Shale (Part 3500)”). You must also make an advance rental payment in accordance with the rental rate for the mineral commodity you are seeking. If you want to modify an existing lease, the BLM will base the rental payment on the rate in effect for the lease being modified in accordance with § 3504.15.

(c) Your fringe acreage lease application must:

(1) Show the serial number of the lease if the lands specified in your application adjoin an existing Federal lease;

(2) Contain a complete and accurate description of the lands desired;

(3) Show that the mineral deposit specified in your application extends from your adjoining lease or from adjoining private lands you own or control; and

(4) Include proof that you own or control the mineral deposit in the adjoining lands if they are not under a Federal lease.

(d) Your lease modification application must:

(1) Show the serial number of your Federal lease that you seek to modify;

(2) Contain a complete and accurate description of the lands desired that adjoin the Federal lease you seek to modify; and

(3) Show that—

(i) The adjoining acreage to be added contains known deposits of the same mineral deposit that can be mined only as part of the mining operations on the original Federal lease; or

(ii) As an alternative, show that—

(A) The acreage to be added does not contain known deposits of the same mineral deposit; and

(B) The adjoining acreage will be used for surface activities that are necessary for the recovery of the mineral deposit on the original Federal lease, and

(C) Had the acreage been included in the original Federal lease at the time of that lease’s issuance, the original Federal lease would have been reasonably compact.

■ 4. Amend § 3510.15 by revising paragraph (e), redesignating paragraphs (f) and (g) as paragraphs (g) and (h), respectively, by adding new paragraph (f), and by revising redesignated paragraph (h), to read as follows:

**§ 3510.15 What will the BLM do with my application?**

\* \* \* \* \*

(e) The lands for which you applied for a fringe acreage lease lack sufficient reserves of the mineral resource to warrant independent development;

(f)(1) The lands for which you applied for a lease modification contain known deposits of the same mineral deposit that can be mined only as part of the mining operations on the original Federal lease; or

(2)(i) The acreage to be added does not contain known deposits of the same mineral; and

(ii) The acreage to be added will be used for surface activities that are

necessary for the recovery of the mineral deposit on the original Federal lease; and

(iii) Had the acreage added by the modification been included in the original Federal lease at the time of that lease’s issuance, the original Federal lease would have been reasonably compact.

\* \* \* \* \*

(h) You meet the qualification requirements for holding a lease described in subpart 3502 of this chapter and the new or modified lease will not cause you to exceed the acreage limitations described in § 3503.37.

[FR Doc. E9–34 Filed 1–6–09; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 64**

[Docket No. FEMA–8055]

**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 Date:** 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, 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 III</b>				
Virginia:				
Boones Mill, Town of, Franklin County	510062	January 21, 1975, Emerg; September 1, 1978, Reg; December 16, 2008, Susp.	Dec. 16, 2008 ...	Dec. 16, 2008
Franklin County, Unincorporated Areas	510061	May 23, 1974, Emerg; May 19, 1981, Reg; December 16, 2008, Susp.	.....do* .....	Do.
Richmond County, Unincorporated Areas.	510310	January 20, 1975, Emerg; March 16, 1989, Reg; December 16, 2008, Susp.	.....do .....	Do.
Rocky Mount, Town of, Franklin County	510291	June 18, 1975, Emerg; May 1, 1980, Reg; December 16, 2008, Susp.	.....do .....	Do.
<b>Region IV</b>				
Alabama:				
Bridgeport, Town of, Jackson County ...	015009	July 18, 1974, Emerg; July 18, 1985, Reg; December 16, 2008, Susp.	.....do .....	Do.
Dutton, Town of, Jackson County .....	010353	July 7, 1976, Emerg; March 18, 1985, Reg; December 16, 2008, Susp.	.....do .....	Do.
Hollywood, Town of, Jackson County ...	010111	July 26, 1974, Emerg; September 29, 1986, Reg; December 16, 2008, 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
Paint Rock, Town of, Jackson County ..	010214	July 30, 1975, Emerg; June 17, 1986, Reg; December 16, 2008, Susp.	.....do .....	Do.
Scottsboro, City of, Jackson County .....	010112	June 26, 1974, Emerg; September 18, 1985, Reg; December 16, 2008, Susp.	.....do .....	Do.
Stevenson, Town of, Jackson County ...	010113	October 16, 1974, Emerg; December 17, 1987, Reg; December 16, 2008, Susp.	.....do .....	Do.
Tennessee:				
Blaine, City of, Grainger County .....	470398	November 26, 1988, Emerg; December 5, 1990, Reg; December 16, 2008, Susp.	.....do .....	Do.
Jefferson City, Town of, Jefferson County.	475430	October 23, 1970, Emerg; April 9, 1971, Reg; December 16, 2008, Susp.	.....do .....	Do.
<b>Region V</b>				
Ohio:				
Magnetic Springs, Village of, Union County.	390839	April 30, 1999, Emerg; July 1, 2000, Reg; December 16, 2008, Susp.	.....do .....	Do.
Marysville, City of, Union County .....	390548	April 30, 1975, Emerg; April 2, 1986, Reg; December 16, 2008, Susp.	.....do .....	Do.
Milford Center, Village of, Union County	390662	May 14, 1975, Emerg; June 2, 1995, Reg; December 16, 2008, Susp.	.....do .....	Do.
Richwood, Village of, Union County .....	390549	July 11, 1975, Emerg; April 17, 1995, Reg; December 16, 2008, Susp.	.....do .....	Do.
Union County, Unincorporated Areas ...	390808	March 16, 1977, Emerg; September 27, 1991, Reg; December 16, 2008, Susp.	.....do .....	Do.
<b>Region VI</b>				
New Mexico:				
Eunice, City of, Lea County .....	350028	August 18, 1975, Emerg; August 22, 1978, Reg; December 16, 2008, Susp.	.....do .....	Do.
Hobbs, City of, Lea County .....	350029	September 20, 1976, Emerg; July 16, 1991, Reg; December 16, 2008, Susp.	.....do .....	Do.
Jal, City of, Lea County .....	350030	September 28, 1977, Emerg; August 19, 1985, Reg; December 16, 2008, Susp.	.....do .....	Do.
Tatum, Town of, Lea County .....	350032	October 16, 1980, Emerg; July 1, 1988, Reg; December 16, 2008, Susp.	.....do .....	Do.

\* do = Ditto.

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

Dated: December 12, 2008.

**Michael K. Buckley,**

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

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 580

[Docket No. NHTSA-2008-0116; Notice 2]

#### Petition for Approval of Alternate Odometer Disclosure Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of final determination.

**SUMMARY:** The Commonwealth of Virginia has petitioned for approval of alternate requirements governing certain aspects of Federal odometer law.

NHTSA is issuing a final determination granting Virginia's petition.

**DATES:** *Effective Date:* February 6, 2009. Request for reconsideration due no later than February 23, 2009.

**ADDRESSES:** Requests for reconsideration must be submitted in writing to Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590. Requests should refer to the docket and notice number above.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://www.gpoaccess.gov/fr>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street

address listed above. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Englund, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590 (Telephone: 202-366-5263) (Fax: 202-366-3820).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Commonwealth of Virginia petitioned NHTSA to approve the Commonwealth's requirements on the disclosure of motor vehicle mileage when motor vehicles are transferred, which would apply in lieu of certain federal requirements, under 49 U.S.C. 32701, 32705(d). As described in detail in Section III below, Virginia's program will provide for the transfer of a vehicle's title with odometer disclosure information electronically, instead of through the execution of a paper title that is then submitted to the state for the issuance of a title to the new owner, for an in-state transaction where there is no security interest in the vehicle. NHTSA