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Dated: September 21, 2004.

P. Lynn Scarlett,

Assistant Secretary—Policy, Management and Budget.

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BILLING CODE 4310–RK–C

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA–7847]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

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floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

DATES: 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: Mike Grimm, Mitigation Division, 500 C Street, SW., Room 412, Washington, DC 20472, (202) 646–2878.

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 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 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 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 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 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 special flood hazard areas |
|---------------------------------------|---------------|---|----------------------------|---|
| Region VII | | | | |
| Nebraska: | | | | |
| Deshler, City of, Thayer County | 310218 | August 20, 1974, Emerg; February 1, 1987, Reg; September 30, 2004, Susp. | Sept. 30, 2004 .. | Sept. 30, 2004. |
| Hebron, City of, Tyaher County | 310219 | February 27, 1975, Emerg; July 16, 1987, Reg; September 30, 2004, Susp. |do | Do. |
| Hubbell, Village of Thayer County | 310220 | June 20, 1975, Emerg; February 1, 1987, Reg; September 30, 2004, Susp. |do | Do. |
| Stanton, City of, Stanton County ... | 310217 | May 12, 1975, Emerg; September 18, 1987, Reg; September 30, 2004, Susp. |do | Do. |
| Stanton County, Unincorporated Areas. | 310478 | February 14, 1994, Emerg; December 19, 1987, Reg; September 30, 2004, Susp. |do | Do. |
| Thayer County, Unincorporated Areas. | 310479 | March 20, 1996, Emerg; September 30, 2004, Reg; September 30, 2004, Susp. |do | Do. |
| Region VIII | | | | |
| Montana: | | | | |
| Fort Peck Indian Reservation | 300187 | October 7, 1996, Emerg; September 30, 2004, Reg; September 30, 2004, Susp. |do | Do. |

*-Do- = Ditto

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

David I. Maurstad,

Acting Mitigation Division Director, Emergency Preparedness and Response Directorate.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 24, 25, 26, 27, 28, 30, 31, 34, 35, 36, 38, 39, 42, 44, 45, 46, 47, 50, 52, 53, 54, 56, 58, 59, 61, 62, 63, 64, 67, 68, 69, 70, 71, 72, 76, 77, 78, 80, 90, 91, 92, 95, 96, 97, 98, 105, 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 125, 127, 128, 129, 130, 131, 132, 133, 134, 147, 147A, 148, 150, 151, 153, 154, 159, 161, 162, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 177, 178, 179, 180, 181, 182, 183, 184, 185, 188, 189, 190, 193, 194, 195, 196, 197, 199, and 401

49 CFR Parts 450, 451, 452, and 453

[USCG-2004-18884]

RIN 1625-ZA03

Shipping and Transportation; Technical, Organizational and Conforming Amendments

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: By this final rule, the Coast Guard is making editorial and technical

changes throughout titles 46 and 49 of the Code of Federal Regulations (CFR) to update and correct the titles before they are revised on October 1, 2004. Our rule updates organization names and addresses, and makes conforming amendments and technical corrections. This rule will have no substantive effect on the regulated public.

DATES: This final rule is effective September 30, 2004.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying under docket number (USCG-2004-1884) at the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Mr. Robert Spears, Project Manager, Standards Evaluation and Development Division (G-MSR-2), U.S. Coast Guard, at (202) 267-1099. If you have questions on viewing, or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, Department of Transportation, at (202) 366-0271.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under both 5 U.S.C. 553(b)(A) and (b)(B), the Coast Guard

finds that this rule is exempt from notice and comment rulemaking requirements because some of these changes involve agency organization and practices, and all of these changes are non-substantive. This rule consists only of corrections and editorial, organizational, and conforming amendments. These changes will have no substantive effect on the public; therefore, it is unnecessary to publish an NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that, for the same reasons, good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Discussion of the Rule

Each year titles 46 and 49 of the Code of Federal Regulations are updated on October 1. This rule, which becomes effective September 30, 2004, corrects organization names and addresses, revises authority citations for certain parts to reflect our move to the Department of Homeland Security (DHS) in March 2003, and makes other technical and editorial corrections throughout titles 46 and 49. This rule does not change any substantive requirements of existing regulations.

In the following paragraphs, we describe revisions that are not self-explanatory name, address or spelling corrections, gender-neutral changes, or updates to references/cites:

a. 46 CFR 10.205, 10.901, 10.903, 12.10-9, and 12.13-1. These sections contain a date or dates that no longer apply. Any date that has passed and no longer affects the rule has been removed.