

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****44 CFR Part 64**

[Docket No. FEMA-7885]

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 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.

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 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: Michael M. 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 letter 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 a community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region VI: Oklahoma: Grady County, Unincorporated Areas. McClain County, Unincorporated Areas	400483	September 17, 1985, Emerg; September 1, 1987, Reg; July 19, 2005, Susp.	07/19/2005 ...	07/19/2005
	400538	September 10, 1990, Emerg; February 3, 1993, Reg; July 19, 2005, Susp.do	Do.
Region VIII: North Dakota: Bismarck, City of, Burleigh County.	380149	February 14, 1975, Emerg; September 18, 1985, Reg; July 19, 2005, Susp.do	Do.

*Do = Ditto.

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

Dated: July 12, 2005.

Michael Buckley,

Acting Mitigation Division Deputy Director, Emergency Preparedness and Response Directorate.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 040804229-4300-02; I.D. 071305B]

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Prohibition of the use of Regular B Days-at-Sea in the Georges Bank Cod Stock Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has projected that 100 percent of the quarterly incidental total allowable catch (TAC) of Georges Bank (GB) cod specified to be harvested under the Regular B Days-at-Sea (DAS) Pilot Program will be harvested by July 18, 2005. Therefore, the use of Regular B DAS under the Regular B DAS Pilot Program is prohibited throughout the GB cod stock area through the end of the current quarter (see the **DATES** and **SUPPLEMENTARY INFORMATION** sections of this rule for further details). The intended effect of this action is to prevent over-harvesting the incidental catch TAC of GB cod under the Regular

B DAS Pilot Program during the current quarter, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: Effective 0001 hr local time, July 18, 2005, through 2400 hr local time, July 31, 2005. (See requirements under **SUPPLEMENTARY INFORMATION** for additional details).

FOR FURTHER INFORMATION CONTACT:

Douglas W. Christel, Fishery Policy Analyst, phone (978) 281-9141, fax (978) 281-9135.

SUPPLEMENTARY INFORMATION: The Regular B DAS Pilot Program, including quarterly incidental catch TAC's for species of concern, was implemented under Framework Adjustment 40-A (69 FR 67780, November 19, 2004) to the NE Multispecies FMP. Regulations governing the Regular B DAS Pilot Program are found at 50 CFR 648.85(b)(6). These regulations authorize vessels issued a valid limited access NE multispecies DAS permit and allocated Regular B DAS to use a NE multispecies Regular B DAS throughout the NE multispecies regulated mesh areas outside of approved Special Access Programs under the conditions of the Regular B DAS Pilot Program. For the GB cod stock, the quarterly TAC was specified at 32.01 mt. According to the regulations at § 648.85(b)(6)(iv)(G), once the Regional Administrator projects that 100 percent of one or more of the quarterly incidental catch TAC's have been harvested, the use of Regular B DAS under the Regular B DAS Pilot Program shall be prohibited for the pertinent stock area(s) for the duration of the quarter. The closure of a stock area will occur even if the incidental catch TAC's for other stocks in that stock area have not been completely harvested.

Based upon Vessel Monitoring System (VMS) reports and other available information, the Regional Administrator has determined that 100 percent of the

32.01-mt quarterly incidental catch TAC for GB cod will be harvested by July 18, 2005. Therefore, effective July 18, 2005, the use of Regular B DAS under the Regular B DAS Pilot Program in the GB Cod Stock Area, as defined at § 648.85(b)(6)(v)(B), is prohibited through the end of the current quarter on July 31, 2005. A NE multispecies DAS vessel that has already declared its intent to fish in the GB Cod Stock Area under the Regular B DAS Pilot Program through VMS, departed on a trip, and crossed the VMS demarcation line prior to the effective date of this action must either complete its trip under a Regular B DAS by crossing the VMS demarcation line on its return to port, or flip to fishing under a Category A DAS, before 0000 hours local time on July 18, 2005. Beginning August 1, 2005, NE multispecies DAS vessels may once again fish under the Regular B DAS Pilot Program within the GB Cod Stock Area.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator finds good cause to waive prior notice and opportunity for public comment for this action because any delay of this action would be impracticable and contrary to the public interest. The regulations at § 648.85(b)(6)(iv)(G) require the Regional Administrator to prohibit the use of Regular B DAS in a particular stock area once 100 percent of the incidental catch TAC for that species is projected to be harvested. Accordingly, the action being taken by this temporary rule is non-discretionary. This action prohibits the use of Regular B DAS in the GB cod stock area for the remainder of the current quarter (i.e., through July 31, 2005) to prevent exceeding the quarterly incidental catch TAC for GB