

Museums, Reporting and recordkeeping requirements.

■ For the reasons stated in the preamble, the Department of the Interior amends title 43, Code of Federal Regulations, as follows:

#### **PART 10—NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT REGULATIONS**

■ 1. The authority citation for Part 10 continues to read as follows:

**Authority:** 25 U.S.C. 3001 *et seq.*

■ 2. Amend § 10.2 by revising the second sentence of paragraph (b)(2) and revising paragraph (c)(3) to read as follows:

##### **§ 10.2 Definitions.**

(b) \* \* \*

(2) \* \* \* The Secretary will make available a list of Indian tribes and Indian tribal officials for the purposes of carrying out this statute through the Manager, National NAGPRA Program.

\* \* \* \* \*

(c) \* \* \*

(3) *Manager, National NAGPRA Program* means the official of the Department of the Interior designated by the Secretary as responsible for administration of matters relating to this part. Communications to the Manager, National NAGPRA Program, should be addressed to: Manager, National NAGPRA Program, National Park Service (MS 2253 MIB), 1849 C Street NW., Washington, DC 20240.

■ 3. Revise paragraph (a) of § 10.12 to read as follows:

##### **§ 10.12 Civil penalties.**

(a) *The Secretary's authority to assess civil penalties.* The Secretary is authorized by section 9 of the Act to assess civil penalties on any museum that fails to comply with the requirements of the Act. The Assistant Secretary for Fish and Wildlife and Parks may act on behalf of the Secretary.

\* \* \* \* \*

#### **Subpart D to Part 10—[Nomenclature Change]**

■ 4. In Subpart D, remove the words "Departmental Consulting Archeologist" wherever they appear and add in their place the words "Manager, National NAGPRA Program".

Dated: September 14, 2005.

**Craig Manson,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 05-19547 Filed 9-29-05; 8:45 am]

**BILLING CODE 4312-50-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Federal Emergency Management Agency**

#### **44 CFR Part 64**

[Docket No. FEMA-7895]

#### **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.*

**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
<b>Region II</b>				
New Jersey:				
East Rutherford, Borough of, Bergen County.	340028	June 24, 1975, Emerg; December 16, 1980, Reg; September 30, 2005, Susp.	09/30/2005 .....	09/30/2005
Edgewater, Borough of, Bergen County.	340029	September 25, 1975, Emerg; April 1, 1983, Reg; September 30, 2005, Susp.	.....do .....	Do.
Fair Lawn, Borough of, Bergen County	340033	April 4, 1974, Emerg; July 2, 1981, Reg; September 30, 2005, Susp.	.....do .....	Do.
Fairview, Borough of, Bergen County ...	340034	July 16, 1975, Emerg; August 2, 1982, Reg; September 30, 2005, Susp.	.....do .....	Do.
Glen Rock, Borough of, Bergen County.	340038	February 12, 1975, Emerg; July 2, 1981, Reg; September 30, 2005, Susp..	.....do .....	Do.
Hackensack, City of, Bergen County ....	340039	October 2, 1974, Emerg; December 1, 1982, Reg; September 30, 2005, Susp.	.....do .....	Do.
Harrington Park, Borough of, Bergen County.	340040	April 16, 1975, Emerg; April 15, 1981, Reg; September 30, 2005, Susp.	.....do .....	Do.
Hasbrouck Heights, Borough of, Bergen County.	340041	July 8, 1975, Emerg; June 30, 1976, Reg; September 30, 2005, Susp.	.....do .....	Do.
Hillsdale, Borough of, Bergen County ...	340043	November 19, 1971, Emerg; December 15, 1981, Reg; September 30, 2005, Susp..	.....do .....	Do.
Mahwah, Township of, Bergen County.	340049	October 13, 1972, Emerg; November 3, 1982, Reg; September 30, 2005, Susp.	.....do .....	Do.
Montvale, Borough of, Bergen County.	340052	May 2, 1975, Emerg; June 15, 1981, Reg; September 30, 2005, Susp.	.....do .....	Do.
North Arlington, Borough of, Bergen County.	340055	July 3, 1975, Emerg; April 3, 1978, Reg; September 30, 2005, Susp.	.....do .....	Do.
Oakland, Borough of, Bergen County ...	345309	June 30, 1970, Emerg; June 30, 1970, Reg; September 30, 2005, Susp..	.....do .....	Do.
Old Tappan, Borough of, Bergen County.	340059	October 6, 1972, Emerg; April 15, 1977, Reg; September 30, 2005, Susp.	.....do .....	Do.
Oradell, Borough of, Bergen County .....	340060	November 24, 1972, Emerg; March 15, 1977, Reg; September 30, 2005, Susp.	.....do .....	Do.
Palisades Park, Borough of, Bergen County.	340061	May 22, 1975, Emerg; June 1, 1982, Reg; September 30, 2005, Susp..	.....do .....	Do.
Park Ridge, Borough of, Bergen County	340063	February 19, 1975, Emerg; May 5, 1981, Reg; September 30, 2005, Susp.	.....do .....	Do.
Ramsey, Borough of, Bergen County ...	340064	January 21, 1974, Emerg; September 2, 1981, Reg; September 30, 2005, Susp.	.....do .....	Do.
Ridgefield Park, Village of, Bergen County.	340066	May 8, 1975, Emerg; October 15, 1982, Reg; September 30, 2005, Susp.	.....do .....	Do.
Rochelle Park, Township of, Bergen County.	340070	February 16, 1973, Emerg; March 28, 1980, Reg; September 30, 2005, Susp.	.....do .....	Do.
Saddle Brook, Township of, Bergen County.	340074	June 10, 1974, Emerg; April 15, 1982, Reg; September 30, 2005, Susp.	.....do .....	Do.
Woodcliff Lake, Borough of, Bergen County.	340082	July 15, 1975, Emerg; September 2, 1981, Reg; September 30, 2005, 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 special flood hazard areas
<b>Region V</b>				
Wisconsin: Manitowoc, City of, Manitowoc County.	550240	May 21, 1971, Emerg; April 15, 1977, Reg; September 30, 2005, Susp.	.....do .....	Do.
<b>Region VII</b>				
Nebraska: Brule, Village of, Keith County.	310128	July 10, 1975, Emerg; September 27, 1985, Reg; September 30, 2005, Susp.	.....do .....	Do.
Campbell, Village of, Franklin County. ..	310256	January 6, 1998, Emerg; March 1, 2001, Reg; September 30, 2005, Susp.	.....do .....	Do.
<b>Region VIII</b>				
Colorado: Castle Rock, Town of, Douglas County.	080050	April 22, 1975, Emerg; August 15, 1978, Reg; September 30, 2005, Susp.	.....do .....	Do.
Larkspur, Town of, Douglas County .....	080309	March 27, 1987, Emerg; September 30, 1987, Reg; September 30, 2005, Susp.	.....do .....	Do.
<b>Region IX</b>				
Arizona: Fountain Hills, Town of, Maricopa County.	040135	February 10, 1994, Emerg; February 10, 1994, Reg; September 30, 2005, Susp.	.....do .....	Do.
Paradise Valley, Town of, Maricopa County.	040049	September 15, 1972, Emerg; May 1, 1980, Reg; September 30, 2005, Susp.	.....do .....	Do.
California: Fresno, City of, Santa Barbara County.	060048	October 30, 1975, Emerg; December 1, 1982, Reg; September 30, 2005, Susp.	.....do .....	Do.
Guadalupe, City of, Santa Barbara County.	060333	August 21, 1975, Emerg; April 30, 1982, Reg; September 30, 2005, Susp..	.....do .....	Do.

\*.....do....=Ditto.

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

Dated: September 21, 2005.

**David I. Maurstad,**

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

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**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 46 CFR Parts 3, 10, 114, 147, 151, and 175

[USCG-2005-22329]

RIN 1625-ZA05

#### Shipping; Technical, Organizational and Conforming Amendments

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule makes non-substantive changes throughout Title 46 of the Code of Federal Regulations. The purpose of this rule is to make conforming amendments and technical corrections to Coast Guard shipping and transportation regulations. This rule will have no substantive effect on the regulated public.

**DATES:** This final rule is effective September 30, 2005.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying under docket number [USCG-2005-22329] 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. Ray Davis, Project Manager, Standards Evaluation and Development Division (G-MSR-1), U.S. Coast Guard, at 202-267-6826. If you have questions on viewing, or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, Department of Transportation, at 202-493-0402.

#### 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 Title 46 of the Code of Federal Regulations is updated on October 1. This rule, which becomes effective on September 30, 2005, makes technical and editorial corrections throughout Title 46. This rule does not change any substantive requirements of the existing regulations.

##### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. As this rule involves internal agency practices and procedures and non-substantive changes, it will not impose any costs on the public.