

- Section 245.422 Upgrading of existing underground storage tank systems
- Section 245.423 Registration requirements
- Section 245.425 Reuse of removed tanks (except insofar as subparagraph (1) requires installation by a certified installer)
- Section 245.431 Spill and overfill control
- Section 245.432 Operation and maintenance including corrosion protection
- Section 245.433 Compatibility
- Section 245.434 Repairs allowed (except insofar as subparagraph (1) requires repairs to be performed by a certified installer)
- Section 245.435 Reporting and recordkeeping
- Section 245.441 General requirements for underground storage tank systems (except insofar as subparagraph (a)(3)(i) requires third-party verification; and subparagraph (a)(3)(ii) requires manufacturers to reevaluate methods within 24 months of EPA changes)
- Section 245.442 Requirements for petroleum underground storage tank systems
- Section 245.443 Requirements for hazardous substance underground storage tank systems
- Section 245.444 Methods of release detection for tanks
- Section 245.445 Methods of release detection for piping
- Section 245.446 Release detection recordkeeping
- Section 245.451 Temporary closure
- Section 245.452 Permanent closure and changes-in-service
- Section 245.453 Assessing the site at closure or change-in-service
- Section 245.454 Applicability to previously closed underground storage tank systems
- Section 245.455 Closure records
- Section 245.701 Purpose
- Section 245.702 Scope
- Section 245.703 Owner or operator financial responsibility
- Section 245.704 General requirements
- Section 245.705 Owner and operator liability
- Section 245.706 Underground storage tanks not covered by USTIF
- Section 245.707 Coverage amounts for financial responsibility
- Section 245.708 Failure to maintain financial responsibility

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA-7915]

#### Suspension of Community Eligibility

AGENCY: Mitigation Division, Federal Emergency Management Agency

(FEMA), 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 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 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 want 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:** William H. Lesser, Mitigation Division, 500 C Street, SW., Washington, DC 20472, (202) 646-2807.

**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 *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, 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.

*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 is revised 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]**

■ 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 V</b>				
Minnesota:				
Boyd, City of, Lac Qui Parle County.	270240	April 4, 1975, Emerg; May 25, 1984, Reg; March 16, 2006, Susp.	Mar. 16, 2006 ...	Mar. 16, 2006.
Dawson, City of, Lac Qui Parle County.	270241	May 15, 1974, Emerg; January 16, 1980, Reg; March 16, 2006, Susp.	.....do* .....	Do.
Lac Qui Parle, Unincorporated Areas.	270239	July 3, 1974, Emerg; June 4, 1980, Reg; March 16, 2006, Susp.	.....do .....	Do.
Ohio: Batavia, Village of, Clermont County.	390066	March 3, 1976, Emerg; February 4, 1981, Reg; March 16, 2006, Susp.	.....do .....	Do.
Clermont County, Unincorporated Areas.	390065	April 14, 1976, Emerg; April 15, 1981, Reg; March 16, 2006, Susp.	.....do .....	Do.
Milford, City of, Clermont County.	390227	April 15, 1975, Emerg; January 16, 1981, Reg; March 16, 2006, Susp.	.....do .....	Do.
Neville, Village of, Clermont County.	390641	March 6, 1974, Emerg; September 29, 1978, Reg; March 16, 2006, Susp.	.....do .....	Do.
South Point, Village of, Lawrence County.	390630	February 9, 1976, Emerg; May 2, 1983, Reg; March 16, 2006, Susp.	.....do .....	Do.
<b>Region VII</b>				
Missouri:				
Airport Drive, Village of, Jasper County.	290761	June 9, 1999, Emerg; March 4, 2002, Reg; March 16, 2006, Susp.	.....do .....	Do.
Baldwin Park, Village of, Cass County.	290880	July 19, 1979, Emerg; August 5, 1985, Reg; March 16, 2006, Susp.	.....do .....	Do.
Belton, City of, Cass County ...	290062	September 3, 1974, Emerg; September 5, 1979, Reg; March 16, 2006, Susp.	.....do .....	Do.
Carl Junction, City of, Jasper County.	290179	October 28, 1975, Emerg; June 1, 1982, Reg; March 16, 2006, Susp.	.....do .....	Do.
Cartersville, City of, Jasper County.	290180	January 17, 1977, Emerg; July 16, 1984, Reg; March 16, 2006, Susp.	.....do .....	Do.
Carthage, City of, Jasper County.	290181	July 21, 1975, Emerg; June 15, 1983, Reg; March 16, 2006, Susp.	.....do .....	Do.
Cass County, Unincorporated Areas.	290783	April 21, 1975, Emerg; April 15, 1982, Reg; March 16, 2006, Susp.	.....do .....	Do.
Creighton, City of, Cass County.	290063	August 3, 1979, Emerg; June 30, 1980, Reg; March 16, 2006, Susp.	.....do .....	Do.
Drexel, City of, Cass County ...	290064	June 23, 1975, Emerg; April 8, 1977, Reg; March 16, 2006, Susp.	.....do .....	Do.
Duenweg, City of, Jasper County.	290182	April 1, 2004, Emerg; April 1, 2004, Reg; March 16, 2006, Susp.	.....do .....	Do.
East Lynne, City of, Cass County.	290065	August 11, 1975, Emerg; March 25, 1980, Reg; March 16, 2006, Susp.	.....do .....	Do.
Freeman, City of, Cass County	290066	December 15, 1976, Emerg; May 1, 1980, Reg; March 16, 2006, Susp.	.....do .....	Do.
Garden City, City of, Cass County.	290067	July 15, 1975, Emerg; April 8, 1977, Reg; March 16, 2006, Susp.	.....do .....	Do.
Joplin, City of, Jasper County	290183	October 8, 1971, Emerg; December 8, 1976, Reg; March 16, 2006, Susp.	.....do .....	Do.
Lake Annette, City of, Cass County.	290953	June 25, 2004, Emerg; June 25, 2004, Reg; March 16, 2006, Susp.	.....do .....	Do.
Oronogo, City of, Jasper County.	290185	May 6, 1975, Emerg; March 4, 1985, Reg; March 16, 2006, Susp.	.....do .....	Do.
Peculiar, City of, Cass County	290878	April 19, 1979, Emerg; September 10, 1984, Reg; March 16, 2006, Susp.	.....do .....	Do.
Pleasant Hill, City of, Cass County.	295269	April 30, 1971, Emerg; September 15, 1972, Reg; March 16, 2006, Susp.	.....do .....	Do.
Purcell, City of, Jasper County	290539	September 3, 1975, Emerg; September 10, 1984, Reg; March 16, 2006, 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
Raymore, City of, Cass County	290070	February 4, 1976, Emerg; May 15, 1986, Reg; March 16, 2006, Susp.	.....do .....	Do.
Sarcoxie, City of, Jasper County.	290186	May 29, 1974, Emerg; July 16, 1979, Reg; March 16, 2006, Susp.	.....do .....	Do.
Strasburg, City of, Cass County.	290071	August 5, 1976, Emerg; March 18, 1980, Reg; March 16, 2006, Susp.	.....do .....	Do.
Webb City, City of, Jasper County.	290187	May 19, 1975, Emerg; June 1, 1982, Reg; March 16, 2006, Susp.	.....do .....	Do.
<b>Region VIII</b>				
Utah:				
Coalville, City of, Summit County.	490135	July 24, 1975, Emerg; January 30, 1984, Reg; March 16, 2006, Susp.	.....do .....	Do.
Henefer, Town of, Summit County.	490136	July 23, 1975, Emerg; May 20, 1980, Reg; March 16, 2006, Susp.	.....do .....	Do.
Oakley, Town of, Summit County.	490138	June 11, 1975, Emerg; September 24, 1984, Reg; March 16, 2006, Susp.	.....do .....	Do.

\*.....do = Ditto.

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

#### David I. Maurstad,

Acting Mitigation Division Director, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 06-2592 Filed 3-16-06; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA-7913]

#### Suspension of Community Eligibility

**AGENCY:** Mitigation Division, Federal Emergency Management Agency (FEMA), 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 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 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 want 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:** William H. Lesser, Mitigation Division, 500 C Street, SW., Room 412, Washington, DC 20472, (202) 646-2807.

**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 *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, 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