

energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards is inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, under figure 2–1, paragraph (34)(g) of the Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. An “Environmental Analysis Checklist” and “Categorical Exclusion Determination” are available in the docket where indicated under ADDRESSES.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record-keeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L.

107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T14–165 to read as follows:

#### § 165.T14–165 Safety Zone; Molokini Crater, Maui, HI.

(a) *Location.* The following is a safety zone: All waters up to and within 1 nautical mile of the shoreline of Molokini Crater, from the surface of the water to the ocean floor.

(b) *Effective Dates.* This rule is effective from January 27, 2008 through February 8, 2008.

(c) *Suspension of Enforcement.* The Coast Guard will suspend enforcement of the safety zone described in this section whenever explosive ordinance disposal work is not being performed in the vicinity. Advance notice of enforcement periods and suspension of enforcement will be announced over marine band VHF channel 16.

(d) *Regulations.* In accordance with the general regulations in 33 CFR part 165, Subpart C, no person or vessel may enter or remain in the zone except for support vessels/aircraft and support personnel, or other vessels authorized by the Captain of the Port or his designated representatives.

(e) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: January 10, 2008.

#### B.A. Compagnoni,

*Captain, U.S. Coast Guard, Captain of the Port Honolulu.*

[FR Doc. 08–354 Filed 1–23–08; 4:28 pm]

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#### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA–8009]

#### 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 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.

**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:				
Bridgewater, Town of, Rockingham County.	510134	Feb. 10, 1974, Emerg; Dec. 15, 1983, Reg; Feb. 6, 2008, Susp.	February 6, 2008 ...	February 6, 2008.
Broadway, Town of, Rockingham County.	510135	July 5, 1974, Emerg; June 5, 1985, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Dayton, Town of, Rockingham County.	510136	Mar. 13, 1975, Emerg; Oct. 15, 1985, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Elkton, Town of, Rockingham County.	510137	Jan. 20, 1975, Emerg; June 15, 1978, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Fauquier County, Unincorporated Areas.	510055	Mar. 18, 1975, Emerg; Nov. 1, 1979, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Harrisonburg, City of, Independent City.	510076	Dec. 2, 1974, Emerg; Nov. 3, 1989, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Mt. Crawford, Town of, Rockingham County.	510224	July 18, 1975, Emerg; June 5, 1985, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Powhatan County, Unincorporated Areas.	510117	Feb. 5, 1975, Emerg; Sept. 15, 1978, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Remington, Town of, Fauquier County.	510056	Dec. 13, 1974, Emerg; Mar. 18, 1980, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Warrenton, Town of, Fauquier County.	510057	Mar. 18, 1975, Emerg; Aug. 1, 1979, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
West Virginia:				
Belle, Town of, Kanawha County ....	540071	July 16, 1975, Emerg; Apr. 15, 1982, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Cedar Grove, Town of, Kanawha County.	540072	June 26, 1975, Emerg; June 1, 1982, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Champmanville, Town of, Logan County.	540092	Jan. 29, 1971, Emerg; Aug. 27, 1971, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Charleston, City of, Kanawha County.	540073	Mar. 24, 1975, Emerg; June 15, 1983, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Chesapeake, Town of, Kanawha County.	540074	May 22, 1975, Emerg; June 1, 1982, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Clendenin, Town of, Kanawha County.	540075	July 7, 1975, Emerg; July 16, 1984, Reg; Feb. 6, 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
Dunbar, City of, Kanawha County ...	540076	Aug. 6, 1974, Emerg; June 1, 1982, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
East Bank, Town of, Kanawha County.	540077	May 29, 1975, Emerg; June 1, 1982, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Glasgow, Town of, Kanawha County	540078	June 9, 1975, Emerg; June 15, 1982, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Handley, Town of, Kanawha County	540279	Dec. 3, 1975, Emerg; July 5, 1984, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Kanawha County, Unincorporated Areas.	540070	Apr. 2, 1976, Emerg; Mar. 18, 1985, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Logan, City of, Logan County .....	545535	Jan. 29, 1971, Emerg; July 16, 1971, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Logan County, Unincorporated Areas.	545536	Jan. 29, 1971, Emerg; Apr. 7, 1972, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Man, Town of, Logan County .....	545537	Jan. 29, 1971, Emerg; Sept. 10, 1971, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Marmet, Town of, Kanawha County	540079	June 12, 1975, Emerg; Apr. 15, 1982, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Mitchell Heights, Town of, Logan County.	540095	Jan. 29, 1971, Emerg; Aug. 13, 1971, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Nitro, City of, Kanawha County .....	540081	Apr. 21, 1975, Emerg; Apr. 15, 1982, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Pratt, Town of, Kanawha County .....	540082	Apr. 18, 1975, Emerg; May 1, 1984, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
South Charleston, City of, Kanawha County.	540223	June 5, 1974, Emerg; June 15, 1982, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Saint Albans, City of, Kanawha County.	540083	July 16, 1975, Emerg; June 15, 1982, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
West Logan, Town of, Logan County.	545539	Mar. 5, 1971, Emerg; June 2, 1972, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
<b>Region VIII</b>				
North Dakota:				
Barnes County, Unincorporated Areas.	380339	Apr. 19, 1978, Emerg; June 4, 1987, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Kathryn, City of, Barnes County .....	380001	June 4, 1975, Emerg; July 19, 1982, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Litchville, City of, Barnes County .....	380187	Apr. 11, 1978, Emerg; Nov. 20, 1979, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.
Valley City, City of, Barnes County	380002	Apr. 11, 1974, Emerg; Sept. 28, 1984, Reg; Feb. 6, 2008, Susp.	.....do .....	Do.

\*-do- = Ditto.

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

Dated: January 18, 2008.

**David I. Maurstad,**

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

[FR Doc. E8-1396 Filed 1-25-08; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**49 CFR Parts 171, 172, 173, 175, 177, 178, 180**

**[Docket No. PHMSA-05-21812 (HM-218D)]**

**RIN 2137-AE10**

**Hazardous Materials; Miscellaneous Amendments**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Final rule.

**SUMMARY:** PHMSA is amending the Hazardous Materials Regulations to update, clarify or provide relief from certain requirements governing the classification, packaging, or labeling of hazardous materials transported in

commerce. Among other provisions, PHMSA is adopting a new proper shipping name and identification number for fuel blends composed of ethanol and gasoline. In addition, PHMSA is updating references to consensus standards, revising and clarifying certain hazard communication requirements, and clarifying transportation requirements applicable to dry ice, detonator assemblies, and explosives. PHMSA is also expanding exceptions from regulation for small quantities of hazardous materials.

**DATES:** *Effective date:* The effective date of these amendments is October 1, 2008.

*Incorporation by Reference Date:* The incorporation by reference of certain publications listed in these amendments is approved by the Director of the Federal Register as of October 1, 2008.

*Voluntary Compliance:* Compliance with the requirements adopted herein is