

DELEGATION STATUS FOR PART 63 STANDARDS.—STATE OF LOUISIANA ¹—Continued

Subpart	Source category	LDEQ ^{2, 3}
RRRR	Surface Coating of Metal Furniture	X
SSSS	Surface Coating for Metal Coil	X
TTTT	Leather Finishing Operations	X
UUUU	Cellulose Production Manufacture	X
VVVV	Boat Manufacturing	X
WWWW	Reinforced Plastic Composites Production	X
XXXX	Tire Manufacturing	X
YYYY	Stationary Combustion Turbines	X
ZZZZ	Stationary Reciprocating Internal Combustion Engines (RICE)	X
AAAAA	Lime Manufacturing Plants	X
BBBBB	Semiconductor Manufacturing	X
CCCCC	Coke Ovens: Pushing, Quenching and Battery Stacks	X
DDDDD	Industrial, Commercial, and Institutional Boilers and Process Heaters	
EEEEE	Iron and Steel Foundries	X
FFFFF	Integrated Iron and Steel	X
GGGGG	Site Remediation	X
HHHHH	Miscellaneous Coating Manufacturing	X
IIIII	Mercury Cell Chlor-Alkali Plants	X
JJJJJ	Brick and Structural Clay Products Manufacturing	X
KKKKK	Clay Ceramics Manufacturing	X
LLLLL	Asphalt Roofing and Processing	X
MMMMM	Flexible Polyurethane Foam Fabrication Operation	X
NNNNN	Hydrochloric Acid Production, Fumed Silica Production	X
PPPPP	Engine Test Facilities	X
QQQQQ	Friction Products Manufacturing	X
RRRRR	Taconite Ore Processing	X
SSSSS	Refractory Products Manufacturing	X
TTTTT	Primary Magnesium Refining	X

¹ Program delegated to Louisiana Department of Environmental Quality (LDEQ).

² Federal rules adopted unchanged as of July 1, 2004.

³ Authorities which may not be delegated include: 63.6(g), Approval of Alternative Non-Opacity Emission Standards; 63.6(h)(9), Approval of Alternative Opacity Standards; 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; 63.8(f), Approval of Major Alternatives to Monitoring; 6.3.10(f), Approval of Major Alternatives to Recordkeeping and Reporting; and all authorities identified in the subparts (e.g., under “Delegation of Authority”) that cannot be delegated.

⁴ The standard was previously delegated to LDEQ. The standard was vacated and remanded to EPA by the United States Court of Appeals for the District of Columbia Circuit. See, *Mossville Environmental Action Network v. EPA*, 370 F. 3d 1232 (D.C. Cir. 2004). Because of the D.C. Circuit Court’s holding this standard is not delegated to LDEQ at this time.

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[FR Doc. 06-3637 Filed 4-14-06; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA-7921]

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
Region V				
Michigan:				
Benton, Township of, Berrien County ...	260031	April 19, 1973, Emerg; April 3, 1978, Reg; April 17, 2006, Susp.	April 17, 2006 ...	April 17, 2006.
Benton Harbor, City of, Berrien County	260032	January 19, 1973, Emerg; May 15, 1978, Reg; April 17, 2006, Susp.	.....do*	do.
Berrien Springs, Village of, Berrien County.	260330	July 12, 1976, Emerg; April 30, 1986, Reg; April 17, 2006, Susp.	.....do	do.
Buchanan, City of, Berrien County	260554	February 23, 1976, Emerg; April 16, 1993, Reg; April 17, 2006, Susp.	.....do	do.
Coloma, City of, Berrien County	260556	October 27, 1976, Emerg; January 18, 1980, Reg; April 17, 2006, Susp.	.....do	do.
Coloma, Township of, Berrien County ..	260034	April 12, 1974, Emerg; February 15, 1984, Reg; April 17, 2006, Susp.	.....do	do.
Hagar, Township of, Berrien County	260035	April 19, 1973, Emerg; December 1, 1977, Reg; April 17, 2006, Susp.	.....do	do.
Lake, Township of, Berrien County	260036	July 26, 1973, Emerg; November 1, 1979, Reg; April 17, 2006, Susp.	.....do	do.
Lincoln, Township of, Berrien County ...	260037	March 16, 1973, Emerg; March 1, 1978, Reg; April 17, 2006, Susp.	.....do	do.
Michiana, Village of, Berrien County	260275	April 13, 1973, Emerg; May 1, 1978, Reg; April 17, 2006, Susp.	.....do	do.
New Buffalo, City of, Berrien County	260038	April 10, 1973, Emerg; December 4, 1979, Reg; April 17, 2006, Susp.	.....do	do.
New Buffalo, Township of, Berrien County.	260039	April 22, 1975, Emerg; December 4, 1979, Reg; April 17, 2006, Susp.	.....do	do.
Niles, City of, Berrien County	260040	January 16, 1975, Emerg; July 16, 1987, Reg; April 17, 2006, Susp.	.....do	do.
Niles, Township of, Berrien County	260041	September 9, 1974, Emerg; June 3, 1986, Reg; April 17, 2006, Susp.	.....do	do.
Oronoko Township of, Berrien County ..	260042	July 7, 1975, Emerg; June 17, 1986, Reg; April 17, 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
Watervliet, City of, Berrien County	260047	July 22, 1975, Emerg; November 16, 1983, Reg; April 17, 2006, Susp.	.....do	do.
Watervliet, Township of, Berrien County	260048	March 14, 1974, Emerg; November 16, 1983, Reg; April 17, 2006, Susp.	.....do	do.
Minnesota:				
Big Stone County, Unincorporated Areas.	270652	July 2, 1974, Emerg; June 17, 1986, Reg; April 17, 2006, Susp.	.....do	do.
Clinton, City of Big Stone County	270024	May 15, 1997, Emerg; April 17, 2006, Reg; April 17, 2006, Susp.	.....do	do.
Graceville, City of, Stone County	270026	July 25, 1997, Emerg; April 17, 2006, Reg; April 17, 2006, Susp.	.....do	do.
Odessa, City of, Big Stone County	270027	September 10, 1975, Emerg; January 3, 1985, Reg; April 17, 2006, Susp.	.....do	do.
Ortonville, City of, Stone County	270028	July 2, 1974, Emerg; February 19, 1986, Reg; April 17, 2006, Susp.	.....do	do.
Region VII				
Nebraska:				
Sterling, Village of, Johnson County	310126	August 25, 1975, Emerg; September 1, 1987, Reg; April 17, 2006, Susp.	.....do	do.

*-do- = Ditto.

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

Dated: April 10, 2006.

David I. Maurstad,

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

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