IV. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the Federal Register to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporate a statement of the finding and the reasons therefore in the notice.

The revisions contained in this rule, correct formatting and typographical errors in various sections of a table. These corrections are necessary to ensure that the final rule accurately reflects the correct wage index value used to calculate payment to hospices. Since they are not substantive and merely technical, we find that public comments on these revisions are both unnecessary and impracticable. Therefore, we find good cause to waive notice and comment procedures.

In addition, the Administrative Procedure Act (APA) normally requires a 30-day delay in the effective date of a final rule. Since this notice simply makes technical modifications to a final rule that has previously gone through notice-and-comment rulemaking and the corrections are only to formatting errors, we believe good cause also exists under the APA to waive the 30-day delay in the effective date. Thus, this notice is effective October 1, 2005.

The table for CBSA code 48864, should read as follows:

<table>
<thead>
<tr>
<th>CBSA code</th>
<th>Wage index</th>
<th>Urban area (constituent counties or county equivalents)</th>
<th>MSA code</th>
</tr>
</thead>
<tbody>
<tr>
<td>48864.....</td>
<td>1.1757</td>
<td>Cecil, MD* ...........................................................................................................................................</td>
<td>9160</td>
</tr>
<tr>
<td></td>
<td>1.1600</td>
<td>New Castle, DE* ..................................................................................................................................</td>
<td>9160</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Salem, NJ* ..........................................................................................................................................</td>
<td>6160</td>
</tr>
</tbody>
</table>

The table for CBSA code 48864 should read as follows:

<table>
<thead>
<tr>
<th>CBSA code</th>
<th>Wage index</th>
<th>Urban area (constituent counties or county equivalents)</th>
<th>MSA code</th>
</tr>
</thead>
<tbody>
<tr>
<td>47940.....</td>
<td>0.9157</td>
<td>Black Hawk, IA* .................................................................................................................................</td>
<td>8920</td>
</tr>
<tr>
<td>0.9113</td>
<td></td>
<td>Bremer, IA* .......................................................................................................................................</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Grundy, IA* .......................................................................................................................................</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Waterloo-Cedar Falls, IA. .............................................................. .............................................</td>
<td></td>
</tr>
</tbody>
</table>

Dated: September 27, 2005.

Ann C. Agnew, Executive Secretary to the Department.

BILLCODE 4120–01–P

DEPARTMENT OF THE INTERIOR
Office of the Secretary
43 CFR Part 10
RIN 1024–AC84
Native American Graves Protection and Repatriation Act Regulations
AGENCY: Department of the Interior.
ACTION: Final rule; Technical amendment.

SUMMARY: The Native American Graves Protection and Repatriation Act of 1990 (the Act) assigns responsibility for implementation to the Secretary of the Interior. Secretarial Order 3261 assigns some of these responsibilities to other positions in the Department of the Interior and National Park Service to ensure efficient and effective implementation of the statutory requirements.

Pursuant to the Secretarial Order, the Assistant Secretary for Fish and Wildlife and Parks is responsible for issuing regulations to carry out the Act after consultation with the Assistant Secretary for Indian Affairs; granting extensions of inventory deadlines; awarding grants to assist in implementation of NAGPRA to Indian tribes, Native Hawaiian organizations, and museums. In consultation with the Office of the Solicitor, the Assistant Secretary for Fish and Wildlife and Parks is also responsible for executing provisions of the Act regarding civil penalties against museums that fail to comply with NAGPRA, including investigating allegations of failure to comply with NAGPRA requirements and developing and assessing civil penalties.

The Manager, National NAGPRA Program, reporting to the National Park Service Director through the Associate Director for Cultural Resources, is responsible for managing the operations of the National NAGPRA Program and provides staff support to the Assistant Secretary for Fish and Wildlife and
Procedures are impracticable, unnecessary or contrary to the public interest. This regulation does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required. An OMB Form 83-I is not required.

National Environmental Policy Act

We have analyzed this rule in accordance with the criteria of the National Environmental Policy Act and 516 DM. This rule does not constitute a major Federal action significantly affecting the quality of the human environment.

Government-to-Government Relationship With Tribes

In accordance with the President’s memorandum of April 29, 1994, “Government to Government Relations with Native American Tribal Governments” (59 FR 22951) and 512 DM 2, we have evaluated potential effects on Federally recognized Indian tribes and have determined that there are no potential effects.

List of Subjects in 43 CFR Part 10

Administrative practices and procedure, Hawaiian Natives, Historic Preservation, Indians—Claims,
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


**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.

**SUPPLEMENTAL 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 measures in connection with a flood. 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 areas 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.