

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.*

[FR Doc. 05-19637 Filed 9-29-05; 8:45 am]

**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.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This rule does not require a general NPRM and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. Although this rule is exempt, we have reviewed it for potential economic impact on small entities.

This rule will have no substantive effect on the regulated public. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

## Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

## Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

## Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

## Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

## Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

## Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

## Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

## Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of 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 would be 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.ID, 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 would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraphs (34)(a) and (b), of the Instruction from further environmental documentation because this rule involves editorial, procedural, and internal agency functions. An “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are available in the docket where indicated under

## ADDRESSES.

## List of Subjects

### 46 CFR Part 3

Oceanographic research vessels, Reporting and recordkeeping requirements, Research.

### 46 CFR Part 10

Reporting and recordkeeping requirements, Schools, Seamen.

### 46 CFR Part 114

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

### 46 CFR Part 147

Hazardous materials transportation, Labeling, Marine safety, Packaging and containers, Reporting and recordkeeping requirements.

### 46 CFR Part 151

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

### 46 CFR Part 175

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

■ For the reasons discussed in the preamble, the Coast Guard amends 46 CFR parts 3, 10, 114, 147, 151 and 175 as follows:

## PART 3—DESIGNATION OF OCEANOGRAPHIC RESEARCH VESSELS

■ 1. The authority citation for part 3 continues to read as follows:

**Authority:** 46 U.S.C. 2113, 3306; Department of Homeland Security Delegation No. 0170.1.

### § 3.03–1 [Amended]

■ 2. In § 3.03–1, remove the words “in this subchapter” and add, in their place, the words “in this part”.

## PART 10—LICENSING OF MARITIME PERSONNEL

■ 3. The authority citation for part 10 continues to read as follows:

**Authority:** 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. chapter 71; 46 U.S.C. 7502, 7505, 7701, and 8906; Department of Homeland Security Delegation 0170.1. Section 10.107 is also issued under the authority of 44 U.S.C. 3507.

### § 10.201 [Amended]

■ 4. In § 10.201(c), remove the text “§ 10.464(i)” and add, in its place, the text “10.467(h)”.

### § 10.467 [Amended]

■ 5. In § 10.467(b), after the words “under paragraph”, remove the text “(f)” and add, in its place, the text “(g)”.

## PART 114—GENERAL PROVISIONS

■ 6. The authority citation for part 114 continues to read as follows:

**Authority:** 46 U.S.C. 2103, 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. App. 1804; Department of Homeland Security No. 0170.1; Sec. 114.900 also issued under 44 U.S.C. 3507.

### § 114.400 [Amended]

■ 7. In § 114.400(b) in the definition for “High speed craft”, after the text “V=3.7xdispl<sup>.1667</sup>”, remove the text “h”.

## PART 147—HAZARDOUS SHIPS’ STORES

■ 8. The authority citation for part 147 continues to read as follows:

**Authority:** 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

### § 147.30 [Amended]

■ 9. In § 147.30(b), after the words “Federal Hazardous Substances Act Regulations in”, remove the text “26 CFR” and add, in its place, the text “16 CFR”.

## PART 151—BARGES CARRYING BULK LIQUID HAZARDOUS MATERIAL CARGOES

■ 10. The authority citation for part 151 continues to read as follows:

**Authority:** 33 U.S.C. 1903; 46 U.S.C. 3703; Department of Homeland Security Delegation No. 0170.1.

### § 151.15–10 [Amended]

■ 11. In § 151.15–10(b), remove the text “151.03–43” and add, in its place, “151.03–49”

## PART 175—GENERAL PROVISIONS

■ 12. The authority citation for part 175 continues to read as follows:

**Authority:** 46 U.S.C. 2103, 3205, 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. App. 1804; Department of Homeland Security Delegation No. 0170.1; 175.900 also issued under authority of 44 U.S.C. 3507.

### § 175.400 [Amended]

■ 13. In § 175.400 in the definition for “High speed craft”, after the text “V=3.7xdispl<sup>.1667</sup>”, remove the text “h”.

Dated: September 15, 2005.

**Stefan G. Venckus,**

Chief, Office of Regulations and Administrative Law, United States Coast Guard.

[FR Doc. 05–19723 Filed 9–28–05; 1:31 pm]

**BILLING CODE 4910–15–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[WT Docket No. 97–82; FCC 04–295]

### Competitive Bidding Procedures

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In the *Second Order on Reconsideration of the Fifth Report and Order* the Commission grants two petitions for reconsideration filed in response to the Commission’s *Part 1 Order on Reconsideration of the Fifth Report and Order*, 68 FR 42984 (July 21, 2003) (*Part 1 Reconsideration Order*). The Commission revises one element of the exemption from part 1 attribution rules for certain rural telephone cooperatives that participate in the Commission’s spectrum auction program. The revised rule permits a rural telephone cooperative applicant or its controlling interest to demonstrate that either it is eligible for tax-exempt status under the Internal Revenue Code or it adheres to the cooperative principles enumerated in a previous decision of the United States Tax Court. **DATES:** Effective December 9, 2005.

**FOR FURTHER INFORMATION CONTACT:** William Huber, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, (202) 418–0660.

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Second Order on*

*Reconsideration of the Fifth Report and Order* adopted December 22, 2004 and released on January 31, 2005. The complete text of the *Second Order on Reconsideration of the Fifth Report and Order*, is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. *The Second Order on Reconsideration of the Fifth Report and Order* and related Commission documents may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202–488–5300, facsimile 202–488–5563, or you may contact BCPI at its Web site: <http://www.BCPIWEB.com>. When ordering documents from BCPI, please make sure you provide the appropriate FCC document number (for example, FCC 04–295 for the *Second Order on Reconsideration of the Fifth Report and Order*) and related documents are also available on the Internet at the Commission’s Web site: <http://wireless.fcc.gov/auctions/>.

### I. Overview

1. In the *Second Order on Reconsideration of the Part 1 Fifth Report and Order*, the Commission grants two petitions for reconsideration of the Commission’s *Part 1 Reconsideration Order*. The petitioners seek to modify one of the elements of the three-part test that rural telephone cooperatives must satisfy to receive a limited exemption from the attribution rules that are part of the Commission’s part 1 competitive bidding rules. In particular, petitioners seek to refine a portion of the rule that defines the category of eligible rural telephone cooperatives so as not to limit the flexibility of rural telephone cooperatives to provide new telecommunications services to consumers in rural areas. In this decision, the Commission revises the third element of the exemption to permit a rural telephone cooperative applicant (or its controlling interest) to demonstrate that either it is eligible for tax-exempt status pursuant to section 501(c)(12) of the Internal Revenue Code or it adheres to the cooperative principles enumerated in *Puget Sound Plywood, Inc. v. Commissioner of Internal Revenue (Puget Sound)*, 44 T.C. 305 (1965). The Commission also clarifies how the first element of this rule applies in cases where a rural telephone cooperative applicant is organized in a jurisdiction