

upon any additional facts the Postal Service deems relevant, or on the decision of another government agency. In such cases, the findings of facts by another government agency may be considered as established, but, within 30 days of the notice of proposed debarment, the supplier may submit, in person or in writing, or through a representative, any additional facts, information, or argument to the vice president of Supply Management, and to explain why debarment by the Postal Service should not be imposed.

(4) Questions of fact to be resolved by a hearing before the Judicial Office will be based on the preponderance of the evidence.

(5) After consideration of the circumstances and any information and argument submitted by the supplier, the vice president of Supply Management, with the concurrence of the General Counsel, will issue a written decision regarding whether the supplier is debarred, and, if so, for the period of debarment. The decision will be mailed to the supplier by Certified Mail, return receipt requested. A copy of the decision will be furnished to the Office of the Inspector General. The decision will be final and binding, unless:

(i) The decision was procured by fraud or other criminal misconduct or

(ii) The decision was obtained in violation of the regulations contained in this part or an applicable public law enacted by Congress.

(i) *Causes for Suspension.* The vice president of Supply Management may suspend any supplier, including any of its affiliates, if:

(1) The supplier commits, is indicted for, or is convicted of fraud or a criminal offense incidental to obtaining, attempting to obtain, or performing a government contract, violates a Federal antitrust statute arising out of the submission of bids and proposals, or commits or engages in embezzlement, theft, forgery, bribery, falsification or destruction of records, receipt of stolen property, or any other offense indicating a lack of business integrity or business honesty; or

(2) If the Postal Service has notified a supplier of its proposed debarment under this Part.

(j) *Period of Suspension.* A suspension will not exceed 1 year in duration, except a suspension may be extended for reasonable periods of time beyond 1 year by the vice president of Supply Management. The termination of a suspension will not prejudice the Postal Service's position in any debarment proceeding. A suspension will be superseded by a decision rendered by the vice president of

Supply Management, under paragraph (h)(5) of this section.

(k) *Procedural Requirements for Suspension.* (1) The vice president of Supply Management will notify a supplier of a suspension or an extension of a suspension and the reason(s) for the suspension or extension in writing sent to the supplier by Certified Mail, return receipt requested, within 10 days after the effective date of the suspension or extension. A copy of the notice will be furnished to the Office of the Inspector General.

(2) The notice will state the cause(s) for the suspension or extension.

(3) Within 30 days of notice of suspension or an extension, a supplier may submit to the vice president of Supply Management in writing, any information or reason(s) the supplier believes makes a suspension or an extension inappropriate, and the vice president of Supply Management in consultation with the General Counsel, will consider the supplier's submission, and, in their discretion, may revoke a suspension or an extension of a suspension. If a suspension or extension is revoked, the revocation will be in writing and a copy of the revocation will be sent to the supplier by Certified Mail, return receipt requested. A copy of the revocation will be furnished to the Office of the Inspector General.

Stanley F. Mires,  
Chief Counsel, Legislative.

[FR Doc. 05-7751 Filed 4-18-05; 8:45 am]

BILLING CODE 7710-12-U

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA-7875]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, 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 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 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.

**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 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 area 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.

#### 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 they take remedial action.

#### 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.*

#### Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

#### Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

#### 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 special flood hazard areas
<b>Region III</b>				
Pennsylvania:				
Adamstown, Borough of, Lancaster County.	420541	December 4, 1973, Emerg; January 16, 1981, Reg; April 19, 2005, Susp.	Apr. 19, 2005 ...	Apr. 19, 2005.
Akron, Borough of, Lancaster County ...	422461	December 31, 1975, Emerg; December 16, 1980, Reg; April 19, 2005, Susp..	.....do .....	Do.
Bart, Township of, Lancaster County ....	421761	June 10, 1975, Emerg; January 16, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Brecknock, Township of, Lancaster County.	421762	July 9, 1975, Emerg; April 1, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Caernarvon, Township of, Lancaster County.	421763	April 29, 1975, Emerg; May 19, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Christiana, Borough of, Lancaster County.	420542	July 30, 1975, Emerg; April 15, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Clay, Township of, Lancaster County ...	421764	April 29, 1975, Emerg; December 16, 1980, Reg; April 19, 2005, Susp.	.....do .....	Do.
Colerain, Township of, Lancaster County.	421765	September 17, 1975, Emerg; January 16, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Columbia, Borough of, Lancaster County.	420543	March 9, 1973, Emerg; January 6, 1982, Reg; April 19, 2005, Susp.	.....do .....	Do.
Conestoga, Township of, Lancaster County.	420544	April 24, 1973, Emerg; March 18, 1980, Reg; April 19, 2005, Susp.	.....do .....	Do.
Conoy, Township of, Lancaster County	420545	July 6, 1973, Emerg; June 4, 1980, Reg; April 19, 2005, Susp.	.....do .....	Do.
Denver, Borough of, Lancaster County	420546	August 22, 1973, Emerg; April 15, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Drumore, Township of, Lancaster County.	421766	July 7, 1975, Emerg; April 15, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Earl, Township of, Lancaster County ....	421767	January 13, 1975, Emerg; December 16, 1980, Reg; April 19, 2005, 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 special flood hazard areas
East Cocalico, Township of, Lancaster County.	420547	April 24, 1974, Emerg; March 16, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
East Donegal, Township of, Lancaster County.	421768	August 30, 1974, Emerg; January 16, 1980, Reg; April 19, 2005, Susp.	.....do .....	Do.
East Drumore, Township of, Lancaster County.	421769	August 27, 1975, Emerg; April 15, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
East Earl, Township of, Lancaster County.	421770	October 18, 1974, Emerg; September 4, 1987, Reg; April 19, 2005, Susp.	.....do .....	Do.
East Hempfield, Township of, Lancaster County.	420548	June 6, 1973, Emerg; September 28, 1979, Reg; April 19, 2005, Susp.	.....do .....	Do.
East Lampeter, Township of, Lancaster County.	421771	September 6, 1974, Emerg; December 16, 1980, Reg; April 19, 2005, Susp.	.....do .....	Do.
East Petersburg, Borough of, Lancaster County.	420549	September 27, 1974, Emerg; September 5, 1979, Reg; April 19, 2005, Susp.	.....do .....	Do.
Eden, Township of, Lancaster County ..	421772	July 7, 1980, Emerg; December 16, 1980, Reg; April 19, 2005, Susp.	.....do .....	Do.
Elizabeth, Township of Lancaster County.	421773	July 31, 1975, Emerg; September 28, 1979, Reg; April 19, 2005, Susp.	.....do .....	Do.
Elizabethtown, Borough of, Lancaster County.	420550	May 15, 1973, Emerg; April 17, 1978, Reg; April 19, 2005, Susp.	.....do .....	Do.
Ephrata, Borough of, Lancaster County	420551	April 17, 1973, Emerg; April 1, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Fulton, Township of, Lancaster County	421774	July 11, 1975, Emerg; April 15, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Lancaster, City of, Lancaster County ....	420552	May 12, 1972, Emerg; September 28, 1979, Reg; April 19, 2005, Susp.	.....do .....	Do.
Lancaster, Township of, Lancaster County.	420553	March 9, 1973, Emerg; December 18, 1979, Reg; April 19, 2005, Susp.	.....do .....	Do.
Leacock, Township of, Lancaster County.	420958	December 17, 1973, Emerg; March 1, 1978, Reg; April 19, 2005, Susp.	.....do .....	Do.
Lititz, Borough of, Lancaster County .....	420554	October 6, 1972, Emerg; October 15, 1980, Reg; April 19, 2005, Susp.	.....do .....	Do.
Little Britain, Township of, Lancaster County.	421775	June 16, 1975, Emerg; April 15, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Manheim, Borough of, Lancaster County.	420555	April 19, 1973, Emerg; March 2, 1983, Reg; April 19, 2005, Susp.	.....do .....	Do.
Manheim, Township of, Lancaster County.	420556	July 5, 1973, Emerg; August 15, 1979, Reg; April 19, 2005, Susp.	.....do .....	Do.
Manor, Township of, Lancaster County	420557	April 19, 1973, Emerg; March 18, 1980, Reg; April 19, 2005, Susp.	.....do .....	Do.
Marietta, Borough of, Lancaster County	420558	July 5, 1973, Emerg; February 1, 1980, Reg; April 19, 2005, Susp.	.....do .....	Do.
Martic, Township of, Lancaster County	421146	April 11, 1974, Emerg; January 16, 1980, Reg; April 19, 2005, Susp.	.....do .....	Do.
Millersville, Borough of, Lancaster County.	420559	November 11, 1974, Emerg; December 15, 1978, Reg; April 19, 2005, Susp.	.....do .....	Do.
Mount Joy, Borough of, Lancaster County.	420561	May 22, 1974, Emerg; October 15, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Mount Joy, Township of, Lancaster County.	421776	May 22, 1974, Emerg; October 15, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Mountville, Borough of, Lancaster County.	420560	August 5, 1975, Emerg; July 16, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Paradise, Township of, Lancaster County.	421777	January 13, 1975, Emerg; May 19, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Penn, Township of, Lancaster County ..	421778	February 5, 1975, Emerg; September 2, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Pequea, Township of, Lancaster County.	421779	January 24, 1975, Emerg; September 30, 1980, Reg; April 19, 2005, Susp.	.....do .....	Do.
Providence, Township of, Lancaster County.	421780	December 13, 1974, Emerg; September 30, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Quarryville, Borough of, Lancaster County.	420563	September 25, 1974, Emerg; January 16, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Rapho, Township of, Lancaster County	421781	June 25, 1975, Emerg; February 16, 1983, Reg; April 19, 2005, Susp.	.....do .....	Do.
Sadsbury, Township of, Lancaster County.	421782	July 30, 1975, Emerg; January 16, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Salisbury, Township of, Lancaster County.	421783	May 5, 1975, Emerg; April 15, 1981, Reg; April 19, 2005, 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 special flood hazard areas
Strasburg, Township of, Lancaster County.	421784	May 27, 1975, Emerg; February 4, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
Upper Leacock, Township of, Lancaster County.	421785	June 19, 1975, Emerg; November 3, 1978, Reg; April 19, 2005, Susp.	.....do .....	Do.
Warwick, Township of, Lancaster County.	421786	July 2, 1975, Emerg; November 19, 1980, Reg; April 19, 2005, Susp.	.....do .....	Do.
West Cocalico, Township of, Lancaster County.	421787	August 5, 1974, Emerg; April 15, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
West Donegal, Township of, Lancaster County.	421788	June 5, 1975, Emerg; July 16, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
West Earl, Township of, Lancaster County.	420959	November 2, 1973, Emerg; May 19, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
West Hempfield, Township of, Lancaster County.	421789	August 30, 1974, Emerg; September 5, 1979, Reg; April 19, 2005, Susp.	.....do .....	Do.
West Lampeter, Township of, Lancaster County.	420566	July 9, 1973, Emerg; January 2, 1981, Reg; April 19, 2005, Susp.	.....do .....	Do.
<b>Region V</b>				
Brooklyn Park, City of, Hennepin County.	270152	February 5, 1974, Emerg; May 17, 1982, Reg; September 2, 2004, Susp.	09/02/2004 .....	Do.
<b>Region VI</b>				
Oklahoma: Tuttle, Town of, Grady County ...	400443	February 10, 1987, Emerg, November 1, 1989, Reg; April 19, 2005, Susp.	4/19/2005 .....	Do.
<b>Region X</b>				
Washington: North Bend, City of, King County.	530085	November 6, 1974, Emerg; August 1, 1984, Reg; April 19, 2005, Susp.	.....do .....	Do.

\* -do- =Ditto.

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

Dated: April 11, 2005.

**David I. Maurstad,**

*Acting Mitigation Division Director,  
Emergency Preparedness and Response  
Directorate.*

[FR Doc. 05-7754 Filed 4-18-05; 8:45 am]

BILLING CODE 9110-12-U

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 46 CFR Part 115

#### Inspection and Certification

##### *CFR Correction*

■ In Title 46 of the Code of Federal Regulations, parts 90 to 139, revised as of October 1, 2004, on page 311, the second § 115.620 is removed.

[FR Doc. 05-55504 Filed 4-18-05; 8:45 am]

BILLING CODE 1505-01-D

## FEDERAL MARITIME COMMISSION

### 46 CFR Parts 501 and 535

[Docket No. 03-15]

#### **Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule; Clarifications and corrections.

**SUMMARY:** This document clarifies and corrects the regulations in sections 535.311 and 535.704 and appendix A of 46 CFR part 535 of the Final Rule published on November 4, 2004. These revisions to the regulations are non-substantive, and no further public comments on the Final Rule are necessary.

**DATES:** April 19, 2005.

#### **FOR FURTHER INFORMATION CONTACT:**

Amy W. Larson, General Counsel,  
Federal Maritime Commission, 800  
North Capitol Street, NW., Room  
1018, Washington, DC 20573-0001,  
(202) 523-5740, E-mail:  
[GeneralCounsel@fmc.gov](mailto:GeneralCounsel@fmc.gov).

Florence A. Carr, Director, Bureau of  
Trade Analysis, Federal Maritime  
Commission, 800 North Capitol  
Street, NW., Room 940, Washington,

DC 20573-0001, (202) 523-5796, E-mail: [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

**SUPPLEMENTARY INFORMATION:** On October 27, 2004, the Federal Maritime Commission ("FMC" or "Commission") adopted a Final Rule to amend its regulations in 46 CFR parts 501 and 535 on the delegation of the Commission's authorities, the filing of ocean common carrier and marine terminal operator agreements, and the reporting requirements for agreements pursuant to the Shipping Act of 1984 46 U.S.C. 1701-1719 ("Shipping Act"). 69 FR 64298, November 4, 2004. This document revises certain sections of the regulation in part 535 of the Final Rule published on November 4, 2004. The revisions clarify the meaning of the regulations and correct certain omissions and errors in the regulations, which were not detected in the course of preparing the Final Rule for publication. The revisions are non-substantive in nature and do not alter the decision adopted by the Commission in this Final Rule. Therefore, no further public comments on the Final Rule are necessary. The following sections in the regulations of part 535 of the Final Rule have been revised.