

## PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

■ 1. The authority citation for Part 7 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 9a, 462(k); Sec. 7.96 also issued under D.C. Code 10–137(2001) and D.C. Code 50–2201 (2001).

■ 2. In section 7.96:

■ a. Add paragraph (g)(4)(vii);

■ b. Remove paragraph (g)(5)(iv); and

■ c. Redesignate paragraphs (g)(5)(v) through (g)(5)(xiv) as paragraphs (g)(5)(iv) through (g)(5)(xiii), respectively.

The addition reads as follows:

### § 7.96 National Capital Region.

\* \* \* \* \*

(g) \* \* \*

(4) \* \* \*

(vii) A permit may be denied in writing by the Regional Director upon the following grounds:

(A) A fully executed prior application for the same time and place has been received, and a permit has been or will be granted authorizing activities which do not reasonably permit multiple occupancy of the particular area; in that event, an alternate site, if available for the activity, will be proposed by the Regional Director to the applicant.

(B) It reasonably appears that the proposed demonstration or special event will present a clear and present danger to the public safety, good order, or health.

(C) The proposed demonstration or special event is of such a nature or duration that it cannot reasonably be accommodated in the particular area applied for; in that event, the Regional Director shall propose an alternate site to the applicant, if available for the activity; in this connection, the Regional Director shall reasonably take into account possible damage to the park, including trees, shrubbery, other plantings, park installations and statues.

(D) The application proposes activities contrary to any of the provisions of this section or other applicable law or regulation.

\* \* \* \* \*

Dated: January 20, 2010.

**Thomas L. Strickland,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2010–3337 Filed 2–25–10; 8:45 am]

**BILLING CODE 4312–52–M**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[EPA–R09–OAR–2010–0044; FRL–9111–2]

### Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona, Maricopa County Air Quality Department; State of Nevada, Nevada Division of Environmental Protection, Washoe County District Health Department

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is amending certain regulations to reflect the current delegation status of national emission standards for hazardous air pollutants (NESHAP) in Arizona and Nevada. Several NESHAP were delegated to the Maricopa County Air Quality Department, Nevada Division of Environmental Protection, and Washoe County District Health Department within the past 18 months. The purpose of this action is to update the listing in the Code of Federal Regulations.

**DATES:** This rule is effective on April 27, 2010 without further notice, unless EPA receives adverse comments by March 29, 2010. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

**ADDRESSES:** Submit comments, identified by docket number EPA–R09–OAR–2010–0044, by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions.

2. *E-mail:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or delivery:* Andrew Steckel (AIR–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

**Instructions:** All comments will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an “anonymous access” system, and EPA will not know your identity or contact

information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

**Docket:** The index to the docket for this action is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, EPA Region IX, (415) 947–4124, [wang.mae@epa.gov](mailto:wang.mae@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us” and “our” refer to EPA.

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#### I. Background

##### A. Delegation of NESHAP

Section 112(l) of the Clean Air Act, as amended in 1990 (CAA), authorizes EPA to delegate to State or local air pollution control agencies the authority to implement and enforce the standards set out in the Code of Federal Regulations, Title 40 (40 CFR), Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories. On November 26, 1993, EPA promulgated regulations, codified at 40 CFR Part 63, Subpart E (hereinafter referred to as “Subpart E”), establishing procedures for EPA’s approval of State rules or programs under section 112(l) (see 58 FR 62262). Subpart E was later amended on September 14, 2000 (see 65 FR 55810).

Any request for approval under CAA section 112(l) must meet the approval criteria in 112(l)(5) and Subpart E. To streamline the approval process for future applications, a State or local agency may submit a one-time demonstration that it has adequate authorities and resources to implement

and enforce any CAA section 112 standards. If such demonstration is approved, then the State or local agency would no longer need to resubmit a demonstration of these same authorities and resources for every subsequent request for delegation of CAA section 112 standards. However, EPA maintains the authority to withdraw its approval if the State does not adequately implement or enforce an approved rule or program.

#### B. Maricopa County Delegations

On March 2, 2000, EPA published a direct final action delegating to the Maricopa County Air Quality Department (Maricopa County) several NESHAP and approving Maricopa County's delegation mechanism for future standards (see 65 FR 11231). That action explained the procedure for EPA to grant future delegations to Maricopa County by letter, with periodic **Federal Register** listings of standards that have been delegated. On March 11, 2009, Maricopa County requested delegation of the following NESHAP contained in 40 CFR Part 63:

- Subpart DDDD—NESHAP: Plywood and Composite Wood Products.
- Subpart DDDDD—NESHAP for Industrial, Commercial, Institutional Boilers and Process Heaters.

On April 28, 2009, EPA granted delegation to Maricopa County for these NESHAP, along with any amendments to previously delegated NESHAP, as of July 1, 2006. Today's action is serving to notify the public of the April 28, 2009, delegation and to codify these delegations into the Code of Federal Regulations.

#### C. Nevada Delegations

On May 27, 1998, EPA published a direct final action delegating to the Nevada Division of Environmental Protection (NDEP) several NESHAP and approving NDEP's delegation mechanism for future standards (see 63 FR 28906). That action explained the procedure for EPA to grant delegations to NDEP by letter, with periodic **Federal Register** listings of standards that have been delegated. On September 29, 2008, NDEP requested delegation of the following NESHAP contained in 40 CFR Part 63:

- The amendments to Subpart DDDD—NESHAP: Plywood and Composite Wood Products, as set forth in 72 FR 61060 (October 29, 2007).
- The amendments to Subpart A—General Provisions, as set forth in 73 FR 3568 (January 18, 2008).
- The amendments to Subpart ZZZZ—NESHAP for Stationary Reciprocating Internal Combustion Engines, as set forth in 73 FR 3568 (January 18, 2008).

- The amendments to Subpart EEEEE—NESHAP for Iron and Steel Foundries, as set forth in 73 FR 7210 (February 7, 2008).

- Subpart WWWW—National Emission Standards for Hospital Ethylene Oxide Sterilizers.

- Subpart YYYYY—NESHAP for Area Sources: Electric Arc Furnace Steelmaking Facilities.

- Subpart ZZZZ—NESHAP for Iron and Steel Foundries Area Sources.

- The amendments to Subpart EEEEE—NESHAP for Primary Copper Smelting Area Sources, as set forth in 72 FR 36363 (July 3, 2007).

- The amendments to Subpart FFFFF—NESHAP for Secondary Copper Smelting Area Sources, as set forth in 72 FR 36363 (July 3, 2007).

- Subpart LLLLL—NESHAP for Acrylic and Modacrylic Fibers Production Area Sources.

- Subpart MMMMM—NESHAP for Carbon Black Production Area Sources.

- Subpart NNNNN—NESHAP for Chemical Manufacturing Area Sources: Chromium Compounds.

- Subpart OOOOO—NESHAP for Flexible Polyurethane Foam Production and Fabrication Area Sources.

- Subpart PTTTT—NESHAP for Lead Acid Battery Manufacturing Area Sources.

- Subpart QQQQQ—NESHAP for Wood Preserving Area Sources.

- Subpart RRRRR—NESHAP for Clay Ceramics Manufacturing Area Sources.

- Subpart SSSSS—NESHAP for Glass Manufacturing Area Sources.

- Subpart TTTTT—NESHAP for Secondary Nonferrous Metals Processing Area Sources.

On December 1, 2008, EPA granted delegation to NDEP for these NESHAP. Today's action is serving to notify the public of the December 1, 2008, delegations and to codify these delegations into the Code of Federal Regulations.

#### D. Washoe County Delegations

On May 27, 1998, EPA published a direct final action delegating to Washoe County District Health Department (Washoe County) several NESHAPs and approving Washoe County's delegation mechanism for future standards (see 63 FR 28906). That action explained the procedure for EPA to grant future delegations to Washoe County by letter, with periodic **Federal Register** listings of standards that have been delegated. On January 15, 2009, the Washoe County Air Quality Management Division requested delegation of the following NESHAP contained in 40 CFR Part 63:

- Subpart VVV—Publicly Owned Treatment Works.
- Subpart EEEE—Organic Liquids Distribution (Non-Gasoline).
- Subpart WWWW—Reinforced Plastic Composites Production.

- Subpart ZZZZ—Reciprocating Internal Combustion Engines.

- Subpart WWWW—Hospital Ethylene Oxide Sterilizers.

- Subpart BBBBB—Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline Facilities.

- Subpart CCCCC—Gasoline Dispensing Facilities.

- Subpart HHHHH—Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.

- Subpart OOOOO—Flexible Polyurethane Foam Fabrication Operations Area Sources.

- Subpart WWWW—Area Source Standards for Plating and Polishing Operations.

- Subpart XXXXX—Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

On February 26, 2009, EPA granted delegation to Washoe County for these NESHAP, along with any amendments to previously-delegated NESHAP, as of August 28, 2008. Today's action is serving to notify the public of the February 26, 2009, delegations and to codify these delegations into the Code of Federal Regulations.

## II. EPA Action

Today's document serves to notify the public of the delegation of NESHAP to Maricopa County on April 28, 2009, to NDEP on December 1, 2008, and to Washoe County on February 26, 2009. Today's action will codify these delegations into the Code of Federal Regulations.

## III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve delegation requests that comply with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7412(l); 40 CFR 63.91(b). Thus, in reviewing delegation submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the delegations are not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement

Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 27, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today’s **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (*see* section 307(b)(2)).

**List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of Section 112 of the Clean Air Act, as amended, 42 U.S.C. Section 7412.

Date Signed: January 20, 2010.

**Deborah Jordan,**  
*Director, Air Division Region IX.*

■ Title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

**PART 63—[AMENDED]**

■ 1. The authority citation for Part 63 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

**Subpart E—Approval of State Programs and Delegation of Federal Authorities**

■ 2. Section 63.99 is amended by revising paragraphs (a)(3) and (a)(29)(i) to read as follows:

**§ 63.99 Delegated Federal authorities.**

(a) \* \* \*

(3) *Arizona.* (i) The following table lists the specific Part 63 standards that have been delegated unchanged to the air pollution control agencies in the State of Arizona. The (X) symbol is used to indicate each category that has been delegated.

**DELEGATION STATUS FOR PART 63 STANDARDS—ARIZONA**

Subpart	Description	ADEQ <sup>1</sup>	MCAQD <sup>2</sup>	PDEQ <sup>3</sup>	PCAQCD <sup>4</sup>
A .....	General Provisions .....	X	X	X	X
F .....	Synthetic Organic Chemical Manufacturing Industry .....	X	X	X	X
G .....	Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater.	X	X	X	X
H .....	Organic Hazardous Air Pollutants: Equipment Leaks ....	X	X	X	X
I .....	Organic Hazardous Air Pollutants: Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.	X	X	X	X
J .....	Polyvinyl Chloride and Copolymers Production .....	X	X	X	.....
L .....	Coke Oven Batteries .....	X	X	X	X
M .....	Perchloroethylene Dry Cleaning .....	X	X	X	X
N .....	Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.	X	X	X	X
O .....	Ethylene Oxide Sterilization Facilities .....	X	X	X	X
Q .....	Industrial Process Cooling Towers .....	X	X	X	X
R .....	Gasoline Distribution Facilities .....	X	X	X	X
S .....	Pulp and Paper .....	X	X	X	.....
T .....	Halogenated Solvent Cleaning .....	X	X	X	X
U .....	Group I Polymers and Resins .....	X	X	X	X
W .....	Epoxy Resins Production and Non-Nylon Polyamides Production.	X	X	X	X

## DELEGATION STATUS FOR PART 63 STANDARDS—ARIZONA—Continued

Subpart	Description	ADEQ <sup>1</sup>	MCAQD <sup>2</sup>	PDEQ <sup>3</sup>	PCAQCD <sup>4</sup>
X	Secondary Lead Smelting	X	X	X	X
AA	Phosphoric Acid Manufacturing Plants	X	X	X	
BB	Phosphate Fertilizers Production Plants	X	X	X	
CC	Petroleum Refineries	X	X	X	X
DD	Off-Site Waste and Recovery Operations	X	X	X	X
EE	Magnetic Tape Manufacturing Operations	X	X	X	X
GG	Aerospace Manufacturing and Rework Facilities	X	X	X	X
HH	Oil and Natural Gas Production Facilities	X	X	X	
JJ	Wood Furniture Manufacturing Operations	X	X	X	X
KK	Printing and Publishing Industry	X	X	X	X
LL	Primary Aluminum Reduction Plants	X		X	
MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.	X	X	X	
OO	Tanks—Level 1	X	X	X	X
PP	Containers	X	X	X	X
QQ	Surface Impoundments	X	X	X	X
RR	Individual Drain Systems	X	X	X	X
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.	X	X	X	
TT	Equipment Leaks—Control Level 1	X	X	X	
UU	Equipment Leaks—Control Level 2	X	X	X	
VV	Oil-Water Separators and Organic-Water Separators	X	X	X	X
WW	Storage Vessels (Tanks)—Control Level 2	X	X	X	
XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.	X	X	X	
YY	Generic MACT Standards	X	X	X	
CCC	Steel Pickling	X	X	X	
DDD	Mineral Wool Production	X	X	X	
EEE	Hazardous Waste Combustors	X	X	X	
GGG	Pharmaceuticals Production	X	X	X	
HHH	Natural Gas Transmission and Storage Facilities	X	X	X	
III	Flexible Polyurethane Foam Production	X	X	X	
JJJ	Group IV Polymers and Resins	X	X	X	X
LLL	Portland Cement Manufacturing Industry	X	X	X	
MMM	Pesticide Active Ingredient Production	X	X	X	
NNN	Wool Fiberglass Manufacturing	X	X	X	
OOO	Manufacture of Amino/Phenolic Resins	X	X	X	
PPP	Polyether Polyols Production	X	X	X	
QQQ	Primary Copper Smelting	X	X	X	
RRR	Secondary Aluminum Production	X	X	X	
TTT	Primary Lead Smelting	X	X	X	
UUU	Petroleum Refineries: Catalytic Cracking, Catalytic Reforming, and Sulfur Recovery Units.	X	X	X	
VVV	Publicly Owned Treatment Works	X	X	X	
XXX	Ferroalloys Production	X	X	X	
AAAA	Municipal Solid Waste Landfills	X	X	X	
CCCC	Manufacturing of Nutritional Yeast	X	X	X	
DDDD	Plywood and Composite Wood Products	X	X	X	
EEEE	Organic Liquids Distribution (non-gasoline)	X	X	X	
FFFF	Miscellaneous Organic Chemical Manufacturing	X	X	X	
GGGG	Solvent Extraction for Vegetable Oil Production	X	X	X	
HHHH	Wet-Formed Fiberglass Mat Production	X	X	X	
IIII	Surface Coating of Automobiles and Light-Duty Trucks	X	X		
JJJJ	Paper and Other Web Coating	X	X	X	
KKKK	Surface Coating of Metal Cans	X	X	X	
MMMM	Miscellaneous Metal Parts and Products	X	X	X	
NNNN	Large Appliances	X	X	X	
OOOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles.	X	X	X	
PPPP	Surface Coating of Plastic Parts and Products	X	X		
QQQQ	Wood Building Products	X	X	X	
RRRR	Surface Coating of Metal Furniture	X	X	X	
SSSS	Surface Coating of Metal Coil	X	X	X	
TTTT	Leather Finishing Operations	X	X	X	
UUUU	Cellulose Products Manufacturing	X	X	X	
VVVV	Boat Manufacturing	X	X	X	
WWWW	Reinforced Plastics Composites Production	X	X	X	
XXXX	Tire Manufacturing	X	X	X	
YYYY	Stationary Combustion Turbines	X	X	X	
ZZZZ	Stationary Reciprocating Internal Combustion Engines	X	X		

DELEGATION STATUS FOR PART 63 STANDARDS—ARIZONA—Continued

Subpart	Description	ADEQ <sup>1</sup>	MCAQD <sup>2</sup>	PDEQ <sup>3</sup>	PCAQCD <sup>4</sup>
AAAAA	Lime Manufacturing Plants	X	X	X	
BBBBB	Semiconductor Manufacturing	X	X	X	
CCCCC	Coke Oven: Pushing, Quenching and Battery Stacks	X	X	X	
DDDDD	Industrial, Commercial, and Institutional Boiler and Process Heaters.	X	X		
EEEEE	Iron and Steel Foundries	X	X	X	
FFFFF	Integrated Iron and Steel	X	X	X	
GGGGG	Site Remediation	X	X	X	
HHHHH	Miscellaneous Coating Manufacturing	X	X	X	
IIIII	Mercury Emissions from Mercury Cell Chlor-Alkali Plants.	X	X	X	
JJJJJ	Brick and Structural Clay Products Manufacturing	X	X	X	
KKKKK	Clay Ceramics Manufacturing	X	X	X	
LLLLL	Asphalt Roofing and Processing	X	X	X	
MMMMM	Flexible Polyurethane Foam Fabrication Operation	X	X	X	
NNNNN	Hydrochloric Acid Production	X	X	X	
PPPPP	Engine Test Cells/Stands	X	X	X	
QQQQQ	Friction Products Manufacturing	X	X	X	
RRRRR	Taconite Iron Ore Processing	X	X	X	
SSSSS	Refractory Products Manufacturing	X	X	X	
TTTTT	Primary Magnesium Refining	X	X	X	
WWWWW	Hospital Ethylene Oxide Sterilizers			X	
YYYYY	Area Sources: Electric Arc Furnace Steelmaking Facilities.			X	
ZZZZZ	Iron and Steel Foundries Area Sources			X	
BBBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.			X	
CCCCCC	Gasoline Dispensing Facilities			X	
DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources.			X	
EEEEEE	Primary Copper Smelting Area Sources			X	
FFFFFF	Secondary Copper Smelting Area Sources			X	
GGGGGG	Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium.			X	
HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.			X	
LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources			X	
MMMMMM	Carbon Black Production Area Sources			X	
NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds.			X	
OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources.			X	
PPPPPP	Lead Acid Battery Manufacturing Area Sources			X	
QQQQQQ	Wood Preserving Area Sources			X	
RRRRRR	Clay Ceramics Manufacturing Area Sources			X	
SSSSSS	Glass Manufacturing Area Sources			X	
TTTTTT	Secondary Nonferrous Metals Processing Area Sources.			X	

<sup>1</sup> Arizona Department of Environmental Quality.

<sup>2</sup> Maricopa County Air Quality Department.

<sup>3</sup> Pima County Department of Environmental Quality.

<sup>4</sup> Pinal County Air Quality Control District.

(ii) [Reserved]

\* \* \* \* \*

(29) Nevada. (i) The following table lists the specific part 63 standards that have been delegated unchanged to the air pollution control agencies in the

State of Nevada. The (X) symbol is used to indicate each category that has been delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—NEVADA

Subpart	Description	NDEP <sup>1</sup>	WCAQMD <sup>2</sup>	CCDAQM <sup>3</sup>
A	General Provisions	X	X	
F	Synthetic Organic Chemical Manufacturing Industry	X		
G	Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater.	X		
H	Organic Hazardous Air Pollutants: Equipment Leaks	X		
I	Organic Hazardous Air Pollutants: Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.	X		

## DELEGATION STATUS FOR PART 63 STANDARDS—NEVADA—Continued

Subpart	Description	NDEP <sup>1</sup>	WCAQMD <sup>2</sup>	CCDAQM <sup>3</sup>
J	Polyvinyl Chloride and Copolymers Production	X		
L	Coke Oven Batteries	X		
M	Perchloroethylene Dry Cleaning	X	X	
N	Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.	X	X	
O	Ethylene Oxide Sterilization Facilities	X	X	
Q	Industrial Process Cooling Towers	X		
R	Gasoline Distribution Facilities	X	X	
S	Pulp and Paper	X		
T	Halogenated Solvent Cleaning	X	X	
U	Group I Polymers and Resins	X		
W	Epoxy Resins Production and Non-Nylon Polyamides Production	X		
X	Secondary Lead Smelting	X		
Y	Marine Tank Vessel Loading Operations	X		
AA	Phosphoric Acid Manufacturing Plants	X		
BB	Phosphate Fertilizers Production Plants	X		
CC	Petroleum Refineries	X		
DD	Off-Site Waste and Recovery Operations	X		
EE	Magnetic Tape Manufacturing Operations	X		
GG	Aerospace Manufacturing and Rework Facilities	X		
HH	Oil and Natural Gas Production Facilities	X		
II	Shipbuilding and Ship Repair (Surface Coating)	X		
JJ	Wood Furniture Manufacturing Operations	X		
KK	Printing and Publishing Industry	X	X	
LL	Primary Aluminum Reduction Plants	X		
MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills.	X		
OO	Tanks—Level 1	X		
PP	Containers	X		
QQ	Surface Impoundments	X		
RR	Individual Drain Systems	X		
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.	X		
TT	Equipment Leaks—Control Level 1	X		
UU	Equipment Leaks—Control Level 2	X		
VV	Oil-Water Separators and Organic-Water Separators	X		
WW	Storage Vessels (Tanks)—Control Level 2	X		
XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.	X		
YY	Generic MACT Standards	X		
CCC	Steel Pickling	X		
DDD	Mineral Wool Production	X		
EEE	Hazardous Waste Combustors	X		
GGG	Pharmaceuticals Production	X		
HHH	Natural Gas Transmission and Storage Facilities	X		
III	Flexible Polyurethane Foam Production	X		
JJJ	Group IV Polymers and Resins	X		
LLL	Portland Cement Manufacturing Industry	X		
MMM	Pesticide Active Ingredient Production	X		
NNN	Wool Fiberglass Manufacturing	X		
OOO	Manufacture of Amino/Phenolic Resins	X		
PPP	Polyether Polyols Production	X		
QQQ	Primary Copper Smelting	X		
RRR	Secondary Aluminum Production	X		
TTT	Primary Lead Smelting	X		
UUU	Petroleum Refineries: Catalytic Cracking, Catalytic Reforming, and Sulfur Recovery Units.	X		
VVV	Publicly Owned Treatment Works	X	X	
XXX	Ferroalloys Production	X		
AAAA	Municipal Solid Waste Landfills	X		
CCCC	Manufacturing of Nutritional Yeast	X		
DDDD	Plywood and Composite Wood Products	X		
EEEE	Organic Liquids Distribution (non-gasoline)	X	X	
FFFF	Miscellaneous Organic Chemical Manufacturing	X		
GGGG	Solvent Extraction for Vegetable Oil Production	X		
HHHH	Wet-Formed Fiberglass Mat Production	X		
IIII	Surface Coating of Automobiles and Light-Duty Trucks	X		
JJJJ	Paper and Other Web Coating	X		
KKKK	Surface Coating of Metal Cans	X		
MMMM	Miscellaneous Metal Parts and Products	X		
NNNN	Large Appliances	X		
OOOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles	X		

DELEGATION STATUS FOR PART 63 STANDARDS—NEVADA—Continued

Subpart	Description	NDEP <sup>1</sup>	WCAQMD <sup>2</sup>	CCDAQM <sup>3</sup>
PPPP	Surface Coating of Plastic Parts and Products	X		
QQQQ	Wood Building Products	X		
RRRR	Surface Coating of Metal Furniture	X		
SSSS	Surface Coating of Metal Coil	X		
TTTT	Leather Finishing Operations	X		
UUUU	Cellulose Products Manufacturing	X		
VVVV	Boat Manufacturing	X		
WWWW	Reinforced Plastics Composites Production	X	X	
XXXX	Tire Manufacturing	X		
YYYY	Stationary Combustion Turbines	X		
ZZZZ	Stationary Reciprocating Internal Combustion Engines	X	X	
AAAAA	Lime Manufacturing Plants	X		
BBBBB	Semiconductor Manufacturing	X		
CCCCC	Coke Oven: Pushing, Quenching and Battery Stacks	X		
DDDDD	Industrial, Commercial, and Institutional Boiler and Process Heaters.	X		
EEEEE	Iron and Steel Foundries	X		
FFFFF	Integrated Iron and Steel	X		
GGGGG	Site Remediation	X		
HHHHH	Miscellaneous Coating Manufacturing	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	X		
PPPPP	Engine Test Cells/Standards	X		
QQQQQ	Friction Products Manufacturing	X		
SSSSS	Refractory Products Manufacturing	X		
WWWWW	Hospital Ethylene Oxide Sterilizers	X	X	
YYYYY	Electric Arc Furnace Steelmaking Facilities (area sources)	X		
ZZZZZ	Iron and Steel Foundries Area Sources	X		
BBBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline Facilities.		X	
CCCCCC	Gasoline Dispensing Facilities		X	
DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources	X		
EEEEEE	Primary Copper Smelting Area Sources	X		
FFFFFFF	Secondary Copper Smelting Area Sources	X		
GGGGGG	Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium.	X		
HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.		X	
LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources	X		
MMMMMM	Carbon Black Production Area Sources	X		
NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds	X		
OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources.	X	X	
PPPPPP	Lead Acid Battery Manufacturing Area Sources	X		
QQQQQQ	Wood Preserving Area Sources	X		
RRRRRR	Clay Ceramics Manufacturing Area Sources	X		
SSSSSS	Glass Manufacturing Area Sources	X		
TTTTTT	Secondary Nonferrous Metals Processing Area Sources	X		
WWWWWW	Area Source Standards for Plating and Polishing Operations		X	
XXXXXX	Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.		X	

<sup>1</sup> Nevada Division of Environmental Protection.

<sup>2</sup> Washoe County Air Quality Management Division.

<sup>3</sup> Clark County Department of Air Quality Management.

\* \* \* \* \*

[FR Doc. 2010-4079 Filed 2-25-10; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket ID FEMA-2010-0003]

**Final Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

**ADDRESSES:** The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:**

Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820, or (e-mail) [kevin.long@dhs.gov](mailto:kevin.long@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Assistant Administrator for Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

*National Environmental Policy Act.* This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An

environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*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 final rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This final rule meets the applicable standards of Executive Order 12988.

**List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

**PART 67—[AMENDED]**

■ 1. The authority citation for part 67 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.

**§ 67.11 [Amended]**

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) modified	Communities affected
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**Pope County, Arkansas, and Incorporated Areas  
Docket No.: FEMA-B-1028**

Arkansas River .....	At the intersection with the Arkansas Avenue bridge .....	+323	Unincorporated Areas of Pope County.
Lake Dardanelle .....	At the confluence with Lake Dardanelle ..... Approximately 8.323 miles downstream of the Highway 40 bridge.	+340	Unincorporated Areas of Pope County, City of Russellville.
Whig Creek .....	At the intersection with the Pleasant View Road bridge .... Approximately 5,166 feet from South Frankfort Avenue ....  Approximately 218 feet downstream of McHenry Road .....	+347	Unincorporated Areas of Pope County, City of Russellville.
		+330	
		+340	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.