

the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements. Today's final rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. It imposes no new enforceable duty on any State, local or tribal governments or the private sector. Similarly, EPA has also determined that this final rule contains no regulatory requirements that might significantly or uniquely affect small government entities. Thus, today's final rule is not subject to the requirements of sections 202 and 203 of the UMRA.

#### 5. Executive Order 13132: Federalism

This final rule does not have Federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This final rule authorizes pre-existing State rules. Therefore, Executive Order 13132 does not apply to this final rule.

#### 6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (59 FR 22951, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This final rule does not have tribal implications, as specified in Executive Order 13175 because EPA retains its authority over Indian Country. Therefore, Executive Order 13175 does not apply to this final rule.

#### 7. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it approves a State program.

#### 8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This final rule is not subject to Executive Order 13211, "Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a "significant regulatory action" as defined under Executive Order 12866.

#### 9. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This final rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

#### 10. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. This final rule does not affect the level of protection provided to human health or the environment because this rule authorizes pre-existing State rules which are equivalent to, and no less stringent than existing Federal requirements.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians—lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This final action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 21, 2010.

**Dennis J. McLerran,**

*Regional Administrator, Region 10.*

[FR Doc. 2010-18566 Filed 7-27-10; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-8139]

#### Suspension of Community Eligibility

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

**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.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C

Street, SW., Washington, DC 20472, (202) 646-2953.

**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. 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.

**Executive Order 13132, Federalism.** This rule involves no policies that have federalism implications under Executive Order 13132.

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

**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 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 SFHAs
<b>Region IV</b>				
Alabama:				
Eutaw, City of, Greene County .....	010093	July 23, 1974, Emerg; August 19, 1985, Reg; August 5, 2010, Susp.	Aug. 5, 2010 .....	Aug. 5, 2010
Greene County, Unincorporated Areas	010091	April 5, 1976, Emerg; April 16, 1990, Reg; August 5, 2010, Susp.	.....*do .....	Do.
Georgia:				
Brooklet, Town of, Bulloch County .....	130020	September 10, 1975, Emerg; July 3, 1986, Reg; August 5, 2010, Susp.	.....do .....	Do.
Jenkins County, Unincorporated Areas	130118	January 16, 1976, Emerg; September 29, 1989, Reg; August 5, 2010, Susp.	.....do .....	Do.
Statesboro, City of, Bulloch County .....	130021	January 20, 1975, Emerg; May 15, 1980, Reg; August 5, 2010, Susp.	.....do .....	Do.
United Government of Georgetown, Quitman County.	130379	October 17, 1986, Emerg; September 1, 1987, Reg; August 5, 2010, Susp.	.....do .....	Do.
Kentucky:				
Elliott County, Unincorporated Areas ....	210372	May 8, 1996, Emerg; August 5, 2010, Reg; August 5, 2010, 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
Inez, City of, Martin County .....	210362	May 19, 1988, Emerg; May 19, 1988, Reg; August 5, 2010, Susp.	.....do .....	Do.
Martin County, Unincorporated Areas ...	210166	April 14, 1977, Emerg; February 19, 1986, Reg; August 5, 2010, Susp.	.....do .....	Do.
Nicholas County, Unincorporated Areas	210181	April 17, 1975, Emerg; September 27, 1985, Reg; August 5, 2010, Susp.	.....do .....	Do.
Warfield, Town of, Martin County .....	210364	N/A, Emerg; September 4, 1986, Reg; August 5, 2010, Susp.	.....do .....	Do.
<b>Region V</b>				
Illinois:				
Browning, Village of, Schuyler County ..	170606	June 12, 1974, Emerg; August 16, 1982, Reg; August 5, 2010, Susp.	.....do .....	Do.
DuQuoin, City of, Perry County .....	170539	June 13, 1975, Emerg; July 2, 1987, Reg; August 5, 2010, Susp.	.....do .....	Do.
Perry County, Unincorporated Areas ....	170538	September 13, 1996, Emerg; August 5, 2010, Reg; August 5, 2010, Susp.	.....do .....	Do.
Pinckneyville, City of, Perry County .....	170540	July 2, 1975, Emerg; September 16, 1982, Reg; August 5, 2010, Susp.	.....do .....	Do.
<b>Region VI</b>				
Louisiana:				
Arnaudville, Town of, St. Landry and St. Martin Parishes.	220166	March 4, 1974, Emerg; November 1, 1985, Reg; August 5, 2010, Susp.	.....do .....	Do.
Cankton, Village of, St. Landry Parish ..	220167	March 5, 1975, Emerg; June 25, 1976, Reg; August 5, 2010, Susp.	.....do .....	Do.
Eunice, City of, Acadia and St. Landry Parishes.	220168	June 5, 1975, Emerg; June 1, 1981, Reg; August 5, 2010, Susp.	.....do .....	Do.
Grand Coteau, Town of, St. Landry Parish.	220169	September 26, 1975, Emerg; June 30, 1976, Reg; August 5, 2010, Susp.	.....do .....	Do.
Krotz Springs, Town of, St. Landry Parish.	220170	May 30, 1973, Emerg; January 15, 1988, Reg; August 5, 2010, Susp.	.....do .....	Do.
Leonville, Town of, St. Landry Parish ...	220171	May 28, 1975, Emerg; November 9, 1982, Reg; August 5, 2010, Susp.	.....do .....	Do.
Melville, Town of, St. Landry Parish .....	220172	May 31, 1973, Emerg; July 3, 1978, Reg; August 5, 2010, Susp.	.....do .....	Do.
Opelousas, City of, St. Landry Parish ...	220173	December 12, 1974, Emerg; August 3, 1981, Reg; August 5, 2010, Susp.	.....do .....	Do.
Palmetto, Village of, St. Landry Parish	220174	April 12, 1974, Emerg; April 15, 1986, Reg; August 5, 2010, Susp.	.....do .....	Do.
Port Barre, Town of, St. Landry Parish	220175	February 28, 1974, Emerg; April 15, 1981, Reg; August 5, 2010, Susp.	.....do .....	Do.
St. Landry Parish, Unincorporated Areas.	220165	May 15, 1973, Emerg; May 3, 1982, Reg; August 5, 2010, Susp.	.....do .....	Do.
Sunset, Town of, St. Landry Parish .....	220176	April 24, 1975, Emerg; March 30, 1982, Reg; August 5, 2010, Susp.	.....do .....	Do.
Washington, Town of, St. Landry Parish	220177	May 1, 1975, Emerg; May 1, 1985, Reg; August 5, 2010, Susp.	.....do .....	Do.
New Mexico:				
Aztec, City of, San Juan County .....	350065	May 9, 1974, Emerg; July 15, 1988, Reg; August 5, 2010, Susp.	.....do .....	Do.
Bloomfield, City of, San Juan County ...	350066	June 19, 1975, Emerg; August 8, 1978, Reg; August 5, 2010, Susp.	.....do .....	Do.
Clovis, City of, Curry County .....	350010	May 1, 1974, Emerg; February 4, 1981, Reg; August 5, 2010, Susp.	.....do .....	Do.
Curry County, Unincorporated Areas ....	350127	February 11, 2005, Emerg; August 5, 2010, Reg; August 5, 2010, Susp.	.....do .....	Do.
Farmington, City of, San Juan County ..	350067	August 30, 1974, Emerg; September 29, 1978, Reg; August 5, 2010, Susp.	.....do .....	Do.
Oklahoma:				
Afton, Town of, Ottawa County .....	400155	March 30, 1976, Emerg; January 3, 1986, Reg; August 5, 2010, Susp.	.....do .....	Do.
Commerce, City of, Ottawa County .....	400156	February 7, 1983, Emerg; July 18, 1985, Reg; August 5, 2010, Susp.	.....do .....	Do.
Delaware County, Unincorporated Areas.	400502	August 2, 1988, Emerg; March 1, 1990, Reg; August 5, 2010, Susp.	.....do .....	Do.
Fairland, Town of, Ottawa County .....	400377	June 29, 1990, Emerg; January 1, 1992, Reg; August 5, 2010, Susp.	.....do .....	Do.
Grove, City of, Delaware County .....	400385	April 12, 1976, Emerg; February 18, 1981, Reg; August 5, 2010, Susp.	.....do .....	Do.
Jay, Town of, Delaware County .....	400057	August 5, 1976, Emerg; July 5, 1978, Reg; August 5, 2010, 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
Miami, City of, Ottawa County .....	400157	November 29, 1974, Emerg; December 16, 1980, Reg; August 5, 2010, Susp.	.....do .....	Do.
Ottawa County, Unincorporated Areas	400154	November 19, 1980, Emerg; December 2, 1988, Reg; August 5, 2010, Susp.	.....do .....	Do.
Picher, City of, Ottawa County .....	400159	May 25, 1976, Emerg; September 21, 1982, Reg; August 5, 2010, Susp.	.....do .....	Do.
Wyandotte, Town of, Ottawa County ....	400161	July 12, 1976, Emerg; December 17, 1987, Reg; August 5, 2010, Susp.	.....do .....	Do.
<b>Region VII</b>				
Kansas:				
Baldwin City, City of, Douglas County ..	200088	June 23, 1975, Emerg; January 2, 1980, Reg; August 5, 2010, Susp.	.....do .....	Do.
Douglas County, Unincorporated Areas	200087	May 30, 1975, Emerg; March 2, 1981, Reg; August 5, 2010, Susp.	.....do .....	Do.
<b>Region VIII</b>				
South Dakota:				
Clay County, Unincorporated Areas .....	460259	May 16, 1986, Emerg; April 1, 1987, Reg; August 5, 2010, Susp.	.....do .....	Do.
Vermillion, City of, Clay County .....	460015	June 24, 1975, Emerg; January 30, 1984, Reg; August 5, 2010, Susp.	.....do .....	Do.
Wyoming:				
Jackson, Town of, Teton County .....	560052	August 8, 1975, Emerg; May 4, 1989, Reg; August 5, 2010, Susp.	.....do .....	Do.
Teton County, Unincorporated Areas ....	560094	April 19, 1978, Emerg; May 4, 1989, Reg; August 5, 2010, Susp.	.....do .....	Do.
<b>Region IX</b>				
Nevada:				
Caliente, City of, Lincoln County .....	320015	August 22, 1975, Emerg; June 1, 1982, Reg; August 5, 2010, Susp.	.....do .....	Do.
Lincoln County, Unincorporated Areas	320014	December 12, 1983, Emerg; March 1, 1984, Reg; August 5, 2010, Susp.	.....do .....	Do.

\*do =Ditto.

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

Dated: July 15, 2010.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation Administrator, Mitigation.*

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**BILLING CODE 9110-12-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, Federal Insurance and Mitigation Administration, 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 Deputy Federal Insurance and Mitigation Administrator 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