

issued on December 29, 2010. They include EPA's promulgation of nationally applicable GHG requirements that, in conjunction with the operation of the CAA PSD provisions, have resulted in GHG-emitting sources' becoming subject to PSD; as well as EPA's finding of substantial SIP inadequacy, imposition of a SIP call, and establishment of deadlines for SIP submittal. Moreover, in this rule, EPA is applying the same uniform principles for promulgating the finding of failure to submit in Jefferson County, Kentucky, as it did for each of the seven earlier-affected states. The FIP for Jefferson County, Kentucky, accompanying this rule has substantially the same, if not identical, terms as the FIP for each earlier-affected state in the December 30, 2010, rule. This rulemaking action is supported by the same single administrative record as the earlier December 29, 2010, finding of failure to submit rule and does not involve factual questions unique to the LMAPCD. In addition, as stated earlier in this preamble, this rule is part of a single approach to correcting certain inadequacies in SIPs in multiple states across the country and in several judicial circuits.

For similar reasons, this rule is based on determinations of nationwide scope or effect. For the LMAPCD, EPA is determining that it is appropriate to make this finding of failure to submit effective immediately in order to promulgate the FIP immediately and to apply the FIP to GHG-emitting sources, but not other sources, in the same way it made the same determination for the seven other states in the December 29, 2010, finding of failure to submit. These determinations are the same for each of the states. The provisions of this finding of failure to submit are also substantially the same, if not identical, to those for the seven earlier-affected states. Moreover, EPA is making this finding and promulgating this action within the context of nationwide rulemakings and interpretation of the applicable CAA provisions, as noted earlier in this preamble.

Thus, under section 307(b)(1) of the Act, judicial review of this final action is available by filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by March 15, 2011. Any such judicial review is limited to only those objections that were raised with reasonable specificity in timely comments. Under section 307(b)(2) of the Act, the requirements of this final action may not be challenged later in civil or criminal proceedings brought by us to enforce these requirements.

## VI. Statutory Authority

The statutory authority for this action is provided by sections 101, 111, 114, 116, and 301 of the CAA as amended (42 U.S.C. 7401, 7411, 7414, 7416, and 7601).

### List of Subjects in 40 CFR Part 52

Air pollution control, Carbon dioxide, Carbon dioxide equivalents, Carbon monoxide, Environmental protection, Greenhouse gases, Hydrofluorocarbons, Incorporation by reference, Intergovernmental relations, Lead, Methane, Nitrogen dioxide, Nitrous oxide, Ozone, Particulate matter, Perfluorocarbons, Reporting and recordkeeping requirements, Sulfur hexafluoride, Sulfur oxides, Volatile organic compounds.

Dated: January 11, 2011.

**Gina McCarthy,**

*Assistant Administrator, Office of Air and Radiation.*

[FR Doc. 2011-769 Filed 1-13-11; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2011-0002; Internal Agency Docket No. FEMA-8163]

#### 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:				
Cedar Bluff, Town of, Cherokee County..	015010	March 28, 1984, Emerg; January 1, 1987, Reg; January 19, 2011, Susp.	Jan. 19, 2011 ...	Jan. 19, 2011.
Centre, City of, Cherokee County .....	010233	December 27, 1976, Emerg; March 14, 1980, Reg; January 19, 2011, Susp.	.....do .....	Do.
Cherokee County, Unincorporated Areas.	010234	June 24, 1986, Emerg; June 17, 1991, Reg; January 19, 2011, Susp.	.....do .....	Do.
Leesburg, City of, Cherokee County .....	010235	August 2, 1999, Emerg; January 19, 2011, Reg; January 19, 2011, Susp.	.....do .....	Do.
<b>Region V</b>				
Illinois: Edgar County, Unincorporated Areas	170985	March 3, 2010, Emerg; January 19, 2011, Reg; January 19, 2011, Susp.	.....do .....	Do.
Ohio:				
Bellevue, City of, Erie, Huron, and Sandusky Counties.	390487	October 21, 1974, Emerg; October 17, 1978, Reg; January 19, 2011, Susp.	.....do .....	Do.
Crawford County, Unincorporated Areas	390811	September 2, 1987, Emerg; April 1, 1992, Reg; January 19, 2011, Susp.	.....do .....	Do.
Crestline, City of, Crawford and Richmond Counties.	390091	February 18, 1976, Emerg; October 5, 1984, Reg; January 19, 2011, Susp.	.....do .....	Do.
Galion, City of, Crawford County .....	390092	July 17, 1975, Emerg; June 19, 1985, Reg; January 19, 2011, Susp.	.....do .....	Do.
Greenwich, Village of, Huron County ....	390282	June 23, 1975, Emerg; September 30, 1988, Reg; January 19, 2011, Susp.	.....do .....	Do.
Huron County, Unincorporated Areas ...	390770	August 3, 1979, Emerg; August 1, 1987, Reg; January 19, 2011, Susp.	.....do .....	Do.
Monroeville, Village of, Huron County ...	390283	August 6, 1975, Emerg; August 1, 1987, Reg; January 19, 2011, Susp.	.....do .....	Do.
New London, Village of, Huron County	390284	June 12, 1975, Emerg; May 1, 1988, Reg; January 19, 2011, Susp.	.....do .....	Do.
Wakeman, Village of, Huron County. ....	390288	May 25, 1976, Emerg; September 1, 1986, Reg; January 19, 2011, Susp.	.....do .....	Do.
Willard, City of, Huron County .....	390289	June 17, 1975, Emerg; November 2, 1984, Reg; January 19, 2011, Susp.	.....do .....	Do.
<b>Region VI</b>				
Louisiana:				
Abbeville, City of, Vermilion Parish .....	220264	July 1, 1974, Emerg; August 3, 1981, Reg; January 19, 2011, Susp.	.....do .....	Do.
Delcambre, Town of, Iberia and Vermilion Parishes.	220223	July 1, 1974, Emerg; April 4, 1983, Reg; January 19, 2011, 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
Erath, Town of, Vermilion Parish .....	220224	June 26, 1974, Emerg; April 4, 1983, Reg; January 19, 2011, Susp.	.....do .....	Do.
Gueydan, Town of, Vermilion Parish ....	220225	July 1, 1974, Emerg; December 16, 1977, Reg; January 19, 2011, Susp.	.....do .....	Do.
Kaplan, City of, Vermilion Parish .....	220226	July 1, 1974, Emerg; March 1, 1982, Reg; January 19, 2011, Susp.	.....do .....	Do.
Maurice, Village of, Vermilion Parish. ...	220227	October 16, 1974, Emerg; June 30, 1976, Reg; January 19, 2011, Susp.	.....do .....	Do.
<b>Region VIII</b>				
North Dakota:				
Enderlin, City of, Cass and Ransom Counties.	385363	October 9, 1970, Emerg; June 18, 1971, Reg; January 19, 2011, Susp.	.....do .....	Do.
Lisbon, City of, Ransom County .....	380091	March 10, 1975, Emerg; September 27, 1985, Reg; January 19, 2011, Susp.	.....do .....	Do.
Ransom County, Unincorporated Areas	380089	February 17, 1978, Emerg; September 27, 1985, Reg; January 19, 2011, Susp.	.....do .....	Do.
<b>Region IX</b>				
California:				
Fort Jones, City of, Siskiyou County .....	060365	November 1, 1974, Emerg; April 15, 1980, Reg; January 19, 2011, Susp.	.....do .....	Do.
Siskiyou County, Unincorporated Areas	060362	February 23, 1973, Emerg; May 17, 1982, Reg; January 19, 2011, Susp.	.....do .....	Do.

\*-do- = Ditto.

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

Dated: January 4, 2011.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation Administrator, Mitigation.*

[FR Doc. 2011-696 Filed 1-13-11; 8:45 am]

**BILLING CODE 9110-12-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 90**

[PS Docket No. 06-229; DA 10-2342]

**Requests for Waiver of Various Petitioners To Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; waiver.

**SUMMARY:** In this order, on recommendation of the Emergency Response Interoperability Center (ERIC), the Public Safety and Homeland Security Bureau (Bureau) approved an initial set of technical requirements for public safety jurisdictions (Petitioners) that were granted conditional waivers by the Commission for early deployment in the 700 MHz public safety broadband spectrum. The order grants Petitioners that previously declined to file an interoperability showing a renewed opportunity to do so and to proceed with network deployment.

**DATES:** Effective December 10, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Manner, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street, SW., Room 7-C761, Washington, DC 20554. *Telephone:* (202) 418-3619, *e-mail:* [jennifer.manner@fcc.gov](mailto:jennifer.manner@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The initial set of technical interoperability requirements approved in the order creates a baseline technical interoperability framework for Petitioners' actual deployment of public safety broadband networks in advance of the Commission's adoption of final technical and operational rules for a nationwide interoperable public safety broadband network. The requirements approved in the order are essential to achieving nationwide interoperability among early-deployed public safety broadband networks. These requirements address core aspects of interoperability, such as roaming capabilities and system identifiers, that are crucial to ensuring that the users of disparate networks are capable of communicating seamlessly. Also included are requirements that early-deployed networks meet performance, coverage, and other requirements necessary to ensure that early-deployed networks achieve a baseline of operability sufficient to support interoperable communications.

Any Petitioner that previously filed an interoperability showing detailing its

plans for achieving interoperability, or that in the future files, pursuant to the order, a showing that is subsequently acted on by the Bureau, may proceed with build-out and operation of its network upon submission to ERIC of a certification that its deployment will satisfy each of the requirements approved in the order.

Federal Communications Commission.

**Jennifer A. Manner,**

*Deputy Chief, Public Safety and Homeland Security Bureau.*

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 541**

[Docket No. NHTSA-2010-0098]

**Final Theft Data; Motor Vehicle Theft Prevention Standard**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Publication of 2008 final theft data.

**SUMMARY:** This document publishes the final data on thefts of model year (MY) 2008 passenger motor vehicles that occurred in calendar year (CY) 2008. The final 2008 theft data indicated a