

vertical lift bridge across the Inner Harbor Navigational Canal, mile 0.9, (Gulf Intracoastal Waterway mile 6.7 East of Harvey Lock), at New Orleans, Orleans Parish, Louisiana. This deviation is necessary to adjust the counterweight wire ropes on the bridge. This deviation allows the bridge to remain closed for two (2) 72-hour time periods within a two-week period.

**DATES:** This deviation is effective from 12:01 a.m. on Friday, January 7, 2011 until 11:59 p.m. on Sunday, January 23, 2011.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2010-0935 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0935 in the "Keyword" box and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or e-mail Mrs. Donna Gagliano, Transportation Assistant, Eighth Coast Guard District Bridge Branch, US Coast Guard; telephone 504-671-2128 or e-mail [Donna.Gagliano@uscg.mil](mailto:Donna.Gagliano@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Louisiana Department of Transportation and Development has requested a temporary deviation in order to perform maintenance from the published regulation for the SR 39 (Judge Seeber/Claiborne Avenue) vertical lift bridge across the Inner Harbor Navigational Canal, mile 0.9, (GIWW mile 6.7 EHL). The bridge provides 40 feet of vertical clearance when closed above mean high water, and 156 feet above MHW in the open-to-navigation position. Currently, according to 33 CFR 117.458(a), the draw of the bridge shall open on signal; except that, from 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:45 p.m. Monday through Friday, the draw need not be open for the passage of vessels. The draw shall open at any time for a vessel in distress.

This deviation allows the bridge to remain closed to navigation for two (2) 72-hour periods within a two-week time between January 7, 2011 and January 23, 2011. As required by 33 CFR 117.40(a), the exact dates of the closures will be determined at a later date, allowing

deep draft vessel movements just before and/or between the closure periods. Exact times and dates for the closures will be published in the Local Notice to Mariners and broadcast via the Coast Guard Broad Notice to Mariners system.

Navigation on the waterway consists mainly of tugs with tows and ships. The Coast Guard has coordinated the closure with waterway users, industry, and other Coast Guard units. These dates and this schedule were chosen to minimize the significant effects on vessel traffic; however, some vessels that can pass under the bridge in the closed-to-navigation position can do so any time. The bridge will not be able to open for emergencies.

In accordance with 33 CFR 117.35, this work will be performed with flexibility in order to return the bridge to normal operations as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: December 2, 2010.

**David M. Frank,**

*Bridge Administrator.*

[FR Doc. 2010-31557 Filed 12-15-10; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2010-0449; FRL-9239-2]

### Approval and Promulgation of Air Quality Implementation Plans; Minnesota

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a request submitted by the Minnesota Pollution Control Agency (MPCA) on May 7, 2010, to revise the Minnesota State Implementation Plan (SIP) for particulate matter less than 10 microns (PM<sub>10</sub>). The approval revises the Minnesota SIP by updating information for the Metropolitan Council Environmental Services (MCES) Metropolitan Wastewater Treatment Plant located in St. Paul, Minnesota. The revision reflects changes at the facility which include the decommissioning of six multiple hearth incinerators and associated equipment and the addition of three fluidized bed incinerators and associated equipment. These revisions are included in a joint Title I/Title V document for the MCES Metropolitan Wastewater Treatment Plant, which replaces the document

currently approved in the SIP for the facility. These revisions will result in reducing the PM<sub>10</sub> emissions in the St. Paul area, and strengthen the existing PM<sub>10</sub> SIP.

**DATES:** This direct final rule will be effective February 14, 2011 unless EPA receives adverse comments by January 18, 2011. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2010-0449, by one of the following methods:

1. [www.regulations.gov](http://www.regulations.gov): Follow the on-line instructions for submitting comments.
2. E-mail: [aburano.douglas@epa.gov](mailto:aburano.douglas@epa.gov).
3. Fax: (312) 408-2279.
4. Mail: Douglas Aburano, Chief, Control Strategies Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. Hand Delivery: Douglas Aburano, Chief, Control Strategies Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

*Instructions:* Direct your comments to Docket ID No. EPA-R05-OAR-2010-0449. EPA's policy is that all comments received 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 information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the

Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Charles Hatten, Environmental Engineer, at (312) 886-6031 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6031, [hatten.charles@epa.gov](mailto:hatten.charles@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. General Information
- II. What revision did the State request be incorporated into the SIP?
- III. What is EPA’s analysis of the State submission?
- IV. What action is EPA taking?
- V. Statutory and Executive Order Reviews

## I. General Information

### A. Does this action apply to me?

This action applies only to the MCES Metropolitan Wastewater Treatment Plant located at 2400 Childs Road, St. Paul, Minnesota (Ramsey County).

### B. Has public notice been provided?

Minnesota published a public notice of the revisions to the SIP on July 31, 2009. The comment period began on August 1, 2009, and ended on August

31, 2009. In the public notice, Minnesota stated it would hold a public hearing if one was requested during the comment period. This follows the alternative public participation process EPA approved on June 5, 2006 (71 FR 32274). For limited types of SIP revisions that are noncontroversial and for which the public has shown little or no interest, a public hearing is not automatically required. Because no one requested a public hearing, Minnesota did not hold a public hearing.

### C. What is the background to this action?

The MCES Metropolitan Wastewater Treatment Plant was found to be a culpable source in the Childs Road area’s nonattainment plan for the PM<sub>10</sub> National Ambient Air Quality Standard (NAAQS). However, the area currently meets the NAAQS for PM<sub>10</sub>, and was officially redesignated as attainment on September 24, 2002.

The MCES Metropolitan Wastewater Treatment Plant is an advanced secondary waste water treatment plant. This plant is the principal sewage treatment facility for the Minneapolis and St. Paul metropolitan area serving more than 80 percent of the area’s sewered population, as well as commercial, institutional, and industrial wastewater generators. The plant has a permitted average wet weather design flow of 314 million gallons per day. Primary and secondary sludges from the waste water treatment process, as well as sludges from other MCES treatment facilities, are blended and thickened prior to incineration on-site.

The primary source of emissions at this plant is the incineration of sewage sludge, along with small amounts of spent activated carbon and scum generated on-site in three fluidized bed sludge reactors (FBRs). Each identical FBR is equipped with a pollution control train consisting of carbon injection, high temperature fabric filter baghouse, a venturi scrubber and a high efficiency wet electrostatic precipitator. Each FBR is capable of processing 130 dry tons of sewage sludge per day. The FBRs normally fire natural gas as an auxiliary fuel, but are capable of utilizing No. 2 fuel oil. Emissions also result from aeration of the wastewater during the treatment process, operation of two auxiliary steam boilers for plant heating, operation of emergency generators, ash and other material handling, fuel storage activities, and other routine maintenance activities.

## II. What revision did the State request be incorporated into the SIP?

The State has requested that EPA approve, as a revision to the Minnesota SIP, a new joint Title I/Title V document, Air Permit No. 12300053-006, to replace the joint Title I/Title V document currently approved into the SIP. The new joint document incorporates changes to reflect current operating conditions and the applicable PM<sub>10</sub> SIP conditions for MCES Metropolitan Wastewater Treatment Plant. The biggest change to the facility included replacing the six multiple hearth sludge incinerators, identified as emission units EU008 to EU013, with three FBRs, identified as emission units EU035 to EU037.

### A. What prior SIP actions are pertinent to this action?

The MCES Metropolitan Wastewater Treatment Plant in St. Paul, Minnesota, has been subject to a federally enforceable permit incorporated into Minnesota’s SIP as a joint Title I/Title V document, containing requirements for ensuring maintenance of the NAAQS for PM<sub>10</sub>. In 2001, the joint Title I/Title V document, Air Permit No. 12300053-001, incorporated operating conditions and the applicable PM<sub>10</sub> SIP conditions for the MCES Metropolitan Wastewater Treatment Plant. The 2001 joint document included in the SIP was based on plant operations using multiple hearth incinerators. The limited potential emissions of PM<sub>10</sub> from the facility, considering all permit limitations, was 184.9 tons per year (tpy). Prior to the issuance of the 2001 joint document, EPA and the MCES Metropolitan Wastewater Treatment Plant had entered into a consent decree (65 FR 52787), which imposed compliance measures and called for the replacement of the multiple hearth incinerators with new FBRs. The new FBRs were permitted in 2002.

Other changes at MCES Metropolitan Wastewater Treatment Plant since 2001 include the decommissioning of ash handling systems (EU016–EU018), housekeeping vacuum system (EU033), multiple hearth auxiliary fuel feed systems (EU027–EU032), two auxiliary boilers (EU14–EU015), and rotating biological system contractors and sedimentation tanks (EU0005–EU007); and, the installation of sludge alkaline stabilization processing equipment (EU038–EU041), sludge centrifuge processing equipment (EU051–EU053), ash and other materials handling equipment (EU045–EU050), two replacement auxiliary boilers (EU042

and EU043), and an additional emergency back-up diesel generator.

The SIP requirements in the joint Title I/Title V document submitted by MPCA are designated as "Title I Condition: SIP for PM<sub>10</sub> NAAQS" making it clear that the term is part of the SIP's source-specific requirements.

#### *B. What are Title I conditions and joint Title I/Title V documents?*

SIP control measures were contained in permits issued to culpable sources in Minnesota until 1990 when EPA determined that limits in state-issued permits are not federally enforceable because the permits expire. Minnesota then issued permanent Administrative Orders to culpable sources in nonattainment areas from 1991 to February of 1996.

Minnesota's consolidated permitting regulations, approved into its SIP on May 2, 1995 (60 FR 21447), include the term "Title I condition" which was written, in part, to satisfy EPA requirements that SIP control measures remain permanent. A "Title I condition" is defined as "any condition based on source-specific determination of ambient impacts imposed for the purposes of achieving or maintaining attainment with the national ambient air quality standard and which was part of the state implementation plan approved by EPA or submitted to the EPA pending approval under section 110 of the act \* \* \*." The rule also states that "Title I conditions and the permittee's obligation to comply with them, shall not expire, regardless of the expiration of the other conditions of the permit." Further, "any title I condition shall remain in effect without regard to permit expiration or reissuance, and shall be restated in the reissued permit."

Minnesota has initiated using joint Title I/Title V documents as the enforceable document for imposing emission limitations and compliance requirements in SIPs. The SIP requirements in joint Title I/Title V documents submitted by MPCA are cited as "Title I conditions," therefore ensuring that SIP requirements remain permanent and enforceable. EPA reviewed the State's procedure for using joint Title I/Title V documents to implement site-specific SIP requirements and found it to be acceptable under both Titles I and V of the Clean Air Act (CAA) (July 3, 1997 letter from David Kee, EPA, to Michael J. Sandusky, MPCA). Further, a June 15, 2006, letter from EPA to MPCA clarifies procedures to transfer requirements from Administrative Orders to joint Title I/Title V documents.

### **III. What is EPA's analysis of the State submission?**

This SIP revision replaces the joint Title I/Title V document currently approved into the SIP for MCES Metropolitan Wastewater Treatment Plant with a new joint Title I/Title V document, Air Permit No.12300053-006. This document reflects current operating conditions and applicable PM<sub>10</sub> SIP conditions for the MCES Metropolitan Wastewater Treatment Plant. The facility now operates three FBRs, replacing the six multiple hearth sludge incinerators, two new auxiliary boilers, new alkaline stabilization process equipment, new sludge centrifuge processing equipment, new ash handling equipment, and an additional emergency back-up diesel generator.

The facility remains subject to several ongoing SIP conditions, and some new or more stringent SIP conditions have been added; these conditions limit PM<sub>10</sub> emissions that ensure that the NAAQS for PM<sub>10</sub> are maintained. Conditions for recordkeeping, performance testing, and reporting of deviations from SIP conditions have been maintained.

#### *Reduced PM<sub>10</sub> Limits*

The six multiple hearth incinerators, replaced with three FBRs, were previously limited to 1.20 pounds of PM<sub>10</sub> per ton of dry sludge charged. Each unit generally charged 90 dry tons of sludge per day, resulting in total emissions of 19.7 tpy of PM<sub>10</sub> per unit, and a total of 118.3 tpy of PM<sub>10</sub>. The three new FBRs are each limited to 2.01 pounds of PM<sub>10</sub> per hour. If these units were to operate 8,760 hours in a year, that would result in 8.8 tpy of PM<sub>10</sub> per unit or 26.4 tpy for all three FBRs combined.

The auxiliary boilers were previously each subject to a PM<sub>10</sub> limit of 0.10 pounds of PM<sub>10</sub> per million Btu heat input; this resulted in 5.7 tpy of PM<sub>10</sub> per unit. The replacement boilers are subject to a limit of 15.37 pounds per million pounds of steam. For these boilers, this equals about 1.23 pounds per hour per boiler (or 5.4 tpy).

The new alkaline stabilization process and the ash handling system PM<sub>10</sub> emissions are limited to 0.005 grains/dry standard cubic feet (grains/dscf), respectively. The prior alkaline stabilization process and ash handling system each had a SIP emission limit for PM<sub>10</sub> of 0.05 grains/dscf.

Overall, the changes noted in this SIP revision do not increase total PM<sub>10</sub> emission limits. Instead, the potential emissions of PM<sub>10</sub> for the MCES Metropolitan Wastewater Treatment

Plant, considering all permit limitations, are reduced from 184.9 tpy to 47.8 tpy.

#### *Air Quality Analysis*

Because some of the changes being made to the facility may affect the release and dispersion of PM<sub>10</sub> emissions, MCES Metropolitan Wastewater Treatment Plant provided an air quality analysis to address the facility's impact on the PM<sub>10</sub> NAAQS. All the changes to the facility were completed in 2002. Air quality modeling was performed in 2001 and 2002 using the ISCST3 dispersion model. The modeling used five years of surface meteorological data from the Minneapolis/St. Paul airport and upper air data from St. Cloud, 1987-1991. The model was run with urban dispersion coefficients and regulatory default options. The high, sixth high 24-hour PM<sub>10</sub> modeled concentration for the MCES Metropolitan Wastewater Treatment Plant, plus a conservative background concentration, was 107.1 micrograms per cubic meter (µg/m<sup>3</sup>). This value is below the 24-hour PM<sub>10</sub> standard of 150 µg/m<sup>3</sup>. The modeled result for the annual standard, including background, was 32.5 µg/m<sup>3</sup>, which was below the annual PM<sub>10</sub> standard of 50 µg/m<sup>3</sup>. The annual PM<sub>10</sub> standard was revoked in 2006.

### **IV. What action is EPA taking?**

EPA is approving the revision to Minnesota's SIP to replace the joint Title I/Title V document currently approved into the SIP for MCES Metropolitan Wastewater Treatment Plant with a new joint Title I/Title V document, Air Permit No. 12300053-006. The updated information in the new joint document will incorporate changes to reflect current operating conditions and the applicable PM<sub>10</sub> SIP conditions for MCES Metropolitan Wastewater Treatment Plant. In approving this joint Title I/Title V document, EPA is incorporating into the SIP only those requirements in the joint document labeled as "Title I Condition: SIP for PM<sub>10</sub> NAAQS."

Since this SIP revision will decrease PM<sub>10</sub> impacts in the St. Paul area, MCES Metropolitan Wastewater Treatment Plant revision will strengthen the existing PM<sub>10</sub> SIP.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be

effective February 14, 2011 without further notice unless we receive relevant adverse written comments by January 18, 2011. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective February 14, 2011.

**V. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 CAA; 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 SIP is 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 February 14, 2011. 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. 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 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: December 3, 2010.

**Susan Hedman,**  
Regional Administrator, Region 5.

■ 40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority citation for part 52 continues to read as follows:

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

**Subpart Y—Minnesota**

■ 2. In § 52.1220 the table in paragraph (d) is amended by revising the entry for "Metropolitan Council Environmental Services Metropolitan Wastewater Treatment Plant North Star Steel" to read as follows:

**§ 52.1220 Identification of plan.**

\* \* \* \* \*  
(d) \* \* \*

**EPA-APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS**

Name of source	Permit No.	State effective date	EPA Approval date	Comments
* * * * *				
Metropolitan Council Environmental Services Metropolitan Wastewater Treatment Plant.	12300053-006	02/25/10	12/16/10, [Insert page number where the document begins].	Only conditions cited as "Title I condition: SIP for PM <sub>10</sub> NAAQS."
* * * * *				

\* \* \* \* \*  
 [FR Doc. 2010-31345 Filed 12-15-10; 8:45 am]  
 BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 65**

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1160]

**Changes in Flood Elevation Determinations**

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

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

**DATES:** These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Federal Insurance and Mitigation Administrator reconsider the changes. The modified BFEs may be changed during the 90-day period.

**ADDRESSES:** The modified 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:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064, or (e-mail) *luis.rodriguez1@dhs.gov*.

**SUPPLEMENTARY INFORMATION:** The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The

changes in BFEs are in accordance with 44 CFR 65.4.

*National Environmental Policy Act.* This interim 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 interim 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 interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

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

**List of Subjects in 44 CFR Part 65**

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

**PART 65—[AMENDED]**

■ 1. The authority citation for part 65 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.

**§ 65.4 [Amended]**

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Maricopa	City of Tempe ..... (10-09-2035P)	September 16, 2010, September 23, 2010, <i>Arizona Business Gazette</i> .	The Honorable Hugh Hallman, Mayor, City of Tempe, 31 East 5th Street, Tempe, AZ 85281.	January 21, 2011	040054
Arizona: Mojave ...	Fort Mojave Indian Reservation. (10-09-1826P)	September 10, 2010, September 17, 2010, <i>The Kingman Daily Miner</i> .	Mr. Timothy Williams, Chairman, Fort Mojave Indian Reservation, 500 Merriman Avenue, Needles, CA 92363.	August 31, 2010 ..	040133
Arizona: Pinal .....	Town of Florence (10-09-1057P)	September 24, 2010, October 1, 2010, <i>Casa Grande Dispatch</i> .	The Honorable Vikki Kilvinger, Mayor, Town of Florence, 775 North Main Street, Florence, AZ 85232.	January 31, 2011	040084
Arizona: Yavapai ..	Unincorporated areas of Yavapai County. (10-09-0965P)	August 27, 2010, September 3, 2010, <i>The Daily Courier</i> .	Mr. Chip Davis, Chairman, Yavapai County Board of Supervisors, 10 South 6th Street, Cottonwood, AZ 86326.	January 3, 2011 ...	040093