

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

Executive Order (EO) 12898 (59 FR 7629, Feb. 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 because it does not affect the applicable 8-hour ozone NAAQS which establishes the level of

protection provided to human health or the environment. This rule will tighten the applicable volatility standard of gasoline during the summer resulting in slightly lower mobile source emissions. Therefore disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result.

VII. Legal Authority and Statutory Provisions

Authority for this final action is in sections 211(h) and 301(a) of the Clean Air Act, 42 U.S.C. 7545(h) and 7601(a).

List of Subjects in 40 CFR Part 80

Administrative practice and procedures, Air pollution control, Environmental protection, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: February 19, 2010.

Lisa P. Jackson,
Administrator.

■ Title 40, chapter I, part 80 of the Code of Federal Regulations is amended as follows:

PART 80—[AMENDED]

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7545 and 7601(a).

■ 2. In § 80.27(a)(2)(ii), the table is amended by revising the entry for Colorado and footnote 2 to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

- (a) * * *
- (2) * * *
- (ii) * * *

APPLICABLE STANDARDS ¹ 1992 AND SUBSEQUENT YEARS

State	May	June	July	August	September
Colorado ²	9.0	7.8	7.8	7.8	7.8

¹ Standards are expressed in pounds per square inch (psi).

² The Colorado Covered Area encompasses the Denver-Boulder-Greeley-Ft. Collins-Loveland, CO, 8-hour ozone nonattainment area (see 40 CFR part 81).

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[FR Doc. 2010-4085 Filed 2-26-10; 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-8121]

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
Region IV				
Alabama:				
Bayou La Batre, City of, Mobile County	015001	July 30, 1971, Emerg; March 17, 1972, Reg; March 17, 2010, Susp.	March 17, 2010	March 17, 2010.
Citronelle, City of, Mobile County	010277	July 23, 1975, Emerg; June 17, 1977, Reg; March 17, 2010, Susp.	.....do	-do.-
Creola, City of, Mobile County	010409	December 31, 1981, Emerg; December 31, 1981, Reg; March 17, 2010, Susp.	.....do	-do.-
Dauphin Island, Town of, Mobile County.	010418	December 11, 1970, Emerg; December 11, 1970, Reg; March 17, 2010, Susp.	.....do	-do.-
Mobile County, Unincorporated Areas ..	015008	December 11, 1970, Emerg; December 11, 1970, Reg; March 17, 2010, Susp.	.....do	-do.-
Mount Vernon, Town of, Mobile County	010169	July 25, 1975, Emerg; December 16, 1977, Reg; March 17, 2010, Susp.	.....do	-do.-
Prichard, City of, Mobile County	010170	April 22, 1975, Emerg; February 4, 1981, Reg; March 17, 2010, Susp.	.....do	-do.-
Saraland, City of, Mobile County	010171	May 9, 1974, Emerg; December 18, 1979, Reg; March 17, 2010, Susp.	.....do	-do.-
Mississippi:				
Canton, City of, Madison County	280109	August 9, 1974, Emerg; November 15, 1979, Reg; March 17, 2010, Susp.	.....do	-do.-
Flora, Town of, Madison County	280399	N/A, Emerg; January 31, 1995, Reg; March 17, 2010, Susp.	.....do	-do.-
Madison, City of, Madison County	280229	October 17, 1974, Emerg; December 16, 1980, Reg; March 17, 2010, Susp.	.....do	-do.-
Madison County, Unincorporated Areas	280228	July 17, 1975, Emerg; January 2, 1980, Reg; March 17, 2010, Susp.	.....do	-do.-
Pearl River Valley Water Supply District, Madison, Hinds, Leake, Rankin, and Scott Counties.	280338	N/A, Emerg; March 5, 1993, Reg; March 17, 2010, Susp.	.....do	-do.-
Ridgeland, City of, Madison County	280110	December 27, 1973, Emerg; September 28, 1979, Reg; March 17, 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
Region VI				
Arkansas:				
Batesville, City of, Independence County.	050091	April 9, 1975, Emerg; August 16, 1982, Reg; March 17, 2010, Susp.	.....do	-do.-
Cave City, City of, Independence and Sharp Counties.	050313	December 10, 1982, Emerg; May 1, 1985, Reg; March 17, 2010, Susp.	.....do	-do.-
Independence County, Unincorporated Areas.	050090	July 3, 1978, Emerg; January 6, 1988, Reg; March 17, 2010, Susp.	.....do	-do.-
Newark, City of, Independence County	050092	August 8, 1975, Emerg; September 1, 1987, Reg; March 17, 2010, Susp.	.....do	-do.-
Oil Trough, Town of, Independence County.	050093	July 3, 1975, Emerg; June 1, 1987, Reg; March 17, 2010, Susp.	.....do	-do.-

*-do- = Ditto.

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

Dated: February 23, 2010.

Sandra K. Knight,

Deputy Assistant Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010-4137 Filed 2-26-10; 8:45 am]

BILLING CODE 9110-12-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 74

[WT Docket Nos. 08-166, 08-167, and ET Docket No. 10-24; FCC 10-16]

Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Public Information Collection Approved by Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective dates.

SUMMARY: The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for public information collection 3060-1135 pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. This document announces the effective dates, of the rules previously published in the **Federal Register**, affected by this public information collection.

DATES: The following rules, originally published in the **Federal Register** 75 FR 3622, January 22, 2010, have been approved by OMB and are effective as follows: §§ 15.216, 74.802(e)(2) and 74.851(i), effective *March 1, 2010*; § 74.851(h), effective April 15, 2010.

FOR FURTHER INFORMATION CONTACT: Bill Stafford, Wireless Telecommunications Bureau, (202) 418-0563, e-mail Bill.Stafford@fcc.gov or Hugh L. Van Tuyl, Office of Engineering and Technology, (202) 418-7506, e-mail Hugh.VanTuyl@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-1135

Expiration Date: 08/31/2010

Title: Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations (Wireless Microphones).

Estimated Annual Burden: \$1,625,000 total annual cost; 32,924 total annual hours.

Needs and Uses: In the Report and Order¹ in WT Docket No. 08-166, WT Docket No. 08-167, ET Docket No. 10-24, FCC 10-16, adopted January 14, 2010 and released on January 15, 2010,

¹ Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones, WT Docket Nos. 08-166, 08-167, ET Docket No. 10-24, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 10-16 (rel. January 15, 2010); 75 FR 3622 (January 22, 2010).

the Federal Communications Commission ("Commission") modified the rules authorizing the operation of low power auxiliary stations (wireless microphones). The Report and Order requires all wireless microphones to cease operations in the 700 MHz Band (698-806 MHz) no later than June 12, 2010, making the band available for use by public safety entities such as police, fire, emergency services, and commercial licensees. To effectuate the Commission's plan to clear wireless microphones from the 700 MHz Band, the Report and Order provides an early clearing mechanism for the 700 MHz Band; requires that any person who manufactures wireless microphones or sells, leases, or offers them for sale or lease must display a disclosure at the point of sale or lease that informs consumers of the conditions that apply to the operation of wireless microphones in the core TV bands; and requires any person who manufactures, sells, leases, or offers for sale or lease, wireless microphones capable of operating in the 700 MHz Band that are destined for non U.S. markets, to include labeling that makes clear that the devices cannot be operated in the United States. In a related order under delegated authority,² the Wireless Telecommunications Bureau and Consumer and Governmental Affairs Bureau of the Federal Communications Commission have adopted the specific

² Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones, WT Docket Nos. 08-166, 08-167, ET Docket No. 10-24, *Order*, DA 10-92 (rel. January 15, 2010); 75 FR 3639 (January 22, 2010).