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 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.


Jared Blumenfeld,
Regional Administrator, Region IX.

Editorial Note: This document was received in the Office of the Federal Register on April 5, 2010.

§ 52.220 is amended by adding and removing paragraphs (c)(372) through (c)(376) by adding paragraphs (c)(362)(i)(C) and (c)(377) to read as follows:

§ 52.220 Identification of plan.

| * * * * * |
| [FR Doc. 2010–8003 Filed 4–8–10; 8:45 am] |
| BILLING CODE 6560–50–P |

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
44 CFR Part 65


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.

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

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

### List of Subjects in 44 CFR Part 65

- Flood insurance, Floodplains, Reporting and recordkeeping

### PART 65—[AMENDED]

#### § 65.4 [Amended]

1. The authority citation for part 65 continues to read as follows:


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

<table>
<thead>
<tr>
<th>State and county</th>
<th>Location and case No.</th>
<th>Date and name of newspaper where notice was published</th>
<th>Chief executive officer of community</th>
<th>Effective date of modification</th>
<th>Community No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maricopa ..........</td>
<td>Town of Buckeye</td>
<td>August 27, 2009; September 3, 2009; Arizona Business Gazette.</td>
<td>The Honorable Jackie Meck, Mayor of Buckeye, 1101 East Ash Avenue, Buckeye, AZ 85326.</td>
<td>August 10, 2009 ..........</td>
<td>040039</td>
</tr>
<tr>
<td>Maricopa ..........</td>
<td>City of Goodyear</td>
<td>August 27, 2009; September 3, 2009; Arizona Business Gazette.</td>
<td>The Honorable James M. Cavanaugh, Mayor, City of Goodyear, 190 North Litchfield Road, Goodyear, AZ 85338.</td>
<td>August 10, 2009 ..........</td>
<td>040046</td>
</tr>
<tr>
<td>Maricopa ..........</td>
<td>Unincorporated areas of Maricopa County (08–09–0929P).</td>
<td>August 27, 2009; September 3, 2009; Arizona Business Gazette.</td>
<td>The Honorable Andrew W. Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, AZ 85003.</td>
<td>August 10, 2009 ..........</td>
<td>040037</td>
</tr>
<tr>
<td>Colorado:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adams .............</td>
<td>City of Northglenn (08–08–0457P).</td>
<td>August 27, 2009; September 3, 2009; Northglenn Thornton Sentinel.</td>
<td>The Honorable Kathleen Novak, Mayor, City of Northglenn, 11701 Community Center Drive, Northglenn, CO 80233.</td>
<td>August 20, 2009 ..........</td>
<td>080257</td>
</tr>
<tr>
<td>Adams .............</td>
<td>City of Thornton (09–08–0457P).</td>
<td>August 27, 2009; September 3, 2009; Northglenn Thornton Sentinel.</td>
<td>The Honorable Erik Hansen, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80239.</td>
<td>August 20, 2009 ..........</td>
<td>080007</td>
</tr>
<tr>
<td>Arapahoe ..........</td>
<td>Unincorporated areas of Arapahoe County (09–08–0001P).</td>
<td>August 24, 2009; August 31, 2009; Denver Post.</td>
<td>The Honorable Susan Beckman, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80166.</td>
<td>December 29, 2009 ..........</td>
<td>080011</td>
</tr>
<tr>
<td>Florida: Lee ......</td>
<td>Unincorporated areas of Lee County (09–04–5099P).</td>
<td>August 28, 2009; September 4, 2009; News Press.</td>
<td>The Honorable Ray Judah, Chairman, Lee County Board of Commissioners, P.O. Box 398, Fort Myers, FL 33902.</td>
<td>January 4, 2009 ..........</td>
<td>125124</td>
</tr>
<tr>
<td>North Carolina:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oregon:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Umatilla ..........</td>
<td>City of Stanfield (09–10–0493P).</td>
<td>August 28, 2009; September 4, 2009; East Oregonian.</td>
<td>The Honorable Thomas J. McCann, Mayor, City of Stanfield, P.O. Box 369, Stanfield, OR 97875.</td>
<td>August 17, 2009 ..........</td>
<td>410213</td>
</tr>
<tr>
<td>Umatilla ..........</td>
<td>Unincorporated areas of Umatilla County (09–10–0493P).</td>
<td>August 28, 2009; September 4, 2009; East Oregonian.</td>
<td>The Honorable Larry Givens, Chairman, Umatilla County Board of Commissioners, 216 Southeast 4th Street, Pendleton, OR 97801.</td>
<td>August 17, 2009 ..........</td>
<td>410204</td>
</tr>
<tr>
<td>Texas:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collin ..........</td>
<td>City of Sachse (08–06–2363P).</td>
<td>August 20, 2009; August 27, 2009; Sachse News.</td>
<td>The Honorable Mike Felix, Mayor, City of Sachse, 5109 Peachtree Lane, Sachse, TX 75048.</td>
<td>November 25, 2009 ..........</td>
<td>480186</td>
</tr>
<tr>
<td>Webb ..............</td>
<td>Unincorporated areas of Webb County (08–06–3105P).</td>
<td>August 7, 2009; August 14, 2009; Laredo Morning Times.</td>
<td>The Honorable Danny Valdez, Webb County Judge, 1000 Houston Street, 3rd Floor, Laredo, TX 78040.</td>
<td>December 14, 2009 ..........</td>
<td>480105</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2010–0003]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

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: 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.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified BFEs 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.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection.

The modified BFEs are made pursuant to section 206 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. These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

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, Federalism.

Executive Order 12988, Civil Justice Reform. This final 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:


§ 65.4 [Amended]

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

<table>
<thead>
<tr>
<th>State and county</th>
<th>Location and case No.</th>
<th>Date and name of newspaper where notice was published</th>
<th>Chief executive officer of community</th>
<th>Effective date of modification</th>
<th>Community No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>