

Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, 7 CFR part 301 is amended as follows:

**PART 301—DOMESTIC QUARANTINE NOTICES**

■ 1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 7701-7772 and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75-15 issued under Sec. 204, Title II, Public Law 106-113, 113 Stat. 1501A-293; sections 301.75-15 and 301.75-16 issued under Sec. 203, Title II, Public Law 106-224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. Section 301.38-2 is amended as follows:

■ a. In paragraph (a)(1), by adding, in alphabetical order, 21 rust-resistant *Berberis* species to read as set forth below.

■ b. In paragraph (a)(2)(ii), by adding, in alphabetical order, 2 rust-resistant *Mahonia* species to read as set forth below.

**§ 301-38-2 Regulated articles.**

- (a) \* \* \*
- (1) \* \* \*
- \* \* \* \* \*
- B. media* ‘Dual Jewel’
- \* \* \* \* \*
- B. thunbergii* ‘Ada’
- \* \* \* \* \*
- B. thunbergii* ‘Amera’
- \* \* \* \* \*
- B. thunbergii* ‘Arlene’
- \* \* \* \* \*
- B. thunbergii* ‘Benita’
- \* \* \* \* \*
- B. thunbergii* ‘Brevall 8’
- B. thunbergii* ‘Celeste’
- B. thunbergii* ‘Chloe’
- \* \* \* \* \*
- B. thunbergii* ‘Edda’
- \* \* \* \* \*
- B. thunbergii* ‘Fay’
- \* \* \* \* \*

- B. thunbergii* ‘Gail’
- \* \* \* \* \*
- B. thunbergii* ‘Golden Torch’
- \* \* \* \* \*
- B. thunbergii* ‘Helen’
- \* \* \* \* \*
- B. thunbergii* ‘Joyce’
- B. thunbergii* ‘Kasia’
- \* \* \* \* \*
- B. thunbergii* ‘Koren’
- \* \* \* \* \*
- B. thunbergii* ‘Lotty’
- \* \* \* \* \*
- B. thunbergii* ‘Martha’
- \* \* \* \* \*
- B. thunbergii* ‘Mimi’
- \* \* \* \* \*
- B. thunbergii* ‘Phoebe’
- \* \* \* \* \*
- B. thunbergii* ‘Ruth’
- \* \* \* \* \*
- (2) \* \* \*
- (ii) \* \* \*
- \* \* \* \* \*
- M. ‘Bokasio’* Sioux
- M. ‘Bokrafoot’* Blackfoot
- \* \* \* \* \*

Done in Washington, DC, this 19<sup>th</sup> day of May 2010.

**Kevin Shea,**  
*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2010-12529 Filed 5-24-10; 8:45 am]

**BILLING CODE 3410-34-S**

**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Part 706**

**Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972**

**AGENCY:** Department of the Navy, DoD.  
**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has determined that USS GRAVELY (DDG 107) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**DATES:** This rule is effective May 25, 2010 and is applicable beginning May 17, 2010.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Ted Cook, JAGC, U.S. Navy, Admiralty Attorney (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone number: 202-685-5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706.

This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS GRAVELY (DDG 107) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i), pertaining to the placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 2(f)(ii), pertaining to the vertical placement of task lights; Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 3(c), pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel’s ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

■ For the reasons set forth in the preamble, amend part 706 of title 32 of the Code of Federal Regulations as follows:

**PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972**

■ 1. The authority citation for part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended as follows:  
 ■ A. In Table Four, Paragraph 15 by adding, in alphanumerical order, by vessel number, an entry for USS GRAVELY (DDG 107);  
 ■ B. In Table Four, Paragraph 16 by adding, in alphanumerical order, by vessel number, an entry for USS GRAVELY (DDG 107); and

■ C. In Table Five, by adding, in alphanumerical order, by vessel number, an entry for USS GRAVELY (DDG 107):

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

TABLE FOUR PARAGRAPH 15

Vessel	Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
USS GRAVELY	DDG 107	1.83 meters.

\* \* \* \* \*

TABLE FOUR PARAGRAPH 16

Vessel	Number	Obstruction angle relative ship's headings
USS GRAVELY	DDG 107	108.66 thru 112.50 [degrees].

\* \* \* \* \*

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward mast-head light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS GRAVELY	DDG 107	X	X	X	14.6

\* \* \* \* \*

Approved: May 17, 2010.

**M. Robb Hyde,**

*Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

[FR Doc. 2010-12526 Filed 5-24-10; 8:45 am]

**BILLING CODE 3810-FF-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 65**

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1102]

**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:**

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](mailto:kevin.long@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.
Alabama: St. Clair ...	Unincorporated areas of St. Clair County (09-04-6331P).	December 24, 2009; December 31, 2009; <i>The St. Clair News-Aegis</i> .	Mr. Stanley Batemon, Chairman, St. Clair County Commission, 165 5th Avenue, Suite 100, Ashville, AL 35953.	April 30, 2010 .....	010290
Arizona:					
Pima .....	Town of Marana (09-09-0980P).	September 21, 2009; September 28, 2009; <i>Daily Territorial</i> .	The Honorable Ed Honea, Mayor, Town of Marana, 11555 West Civic Center Drive, Marana, AZ 85653.	January 26, 2010 .....	040118
Pima .....	Town of Marana (08-09-1811P).	October 9, 2009; October 16, 2009; <i>Daily Territorial</i> .	The Honorable Ed Honea, Mayor, Town of Marana, 11555 West Civic Center Drive, Marana, AZ 85653.	January 19, 2010 .....	040118
Pima .....	Town of Oro Valley (08-09-1811P).	October 9, 2009; October 16, 2009; <i>Daily Territorial</i> .	The Honorable Paul H. Loomis, Mayor, Town of Oro Valley, 11000 North La Canada Drive, Oro Valley, AZ 85737.	January 19, 2010 .....	040109