

levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 document 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 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). This action nevertheless will be effective 60 days after it is published, because it is an immediate final rule.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 7, 2010.

#### H. Curtis Spalding,

*Regional Administrator, EPA New England.*

[FR Doc. 2010-18235 Filed 7-23-10; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2010-0003]

#### Final Flood Elevation Determinations

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

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

**ADDRESSES:** The final 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, Federal Insurance and Mitigation Administration, 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 Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations 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.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

*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.

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

#### List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended 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.

**§ 67.11 [Amended]**

■ 2. The tables published under the authority of § 67.11 are amended as follows:

**PART 67—[AMENDED]**

■ 1. The authority citation for part 67 continues to read as follows:

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified
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**City of Williston, North Dakota  
Docket No.: FEMA-B-1060**

North Dakota .....	City of Williston .....	Sand Creek .....	Approximately 105 feet downstream of Riverside Drive West. Approximately 2.57 miles upstream of 11th Street.	+1,852  +1,941
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\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Williston**

Maps are available for inspection at 22 East Broadway, Williston, ND 58802.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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**Greene County, Alabama, and Incorporated Areas  
Docket No.: FEMA-B-1049**

Boligee Canal .....	Approximately 1,372 feet downstream of County Road 81 Approximately 193 feet upstream of County Road 81 .....	+117 +117	City of Boligee.
Tombigbee River .....	Approximately 2.97 miles upstream of I-20 .....	+117	City of Boligee.

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Boligee**

Maps are available for inspection at 8 City Hall Circle, Boligee, AL 35443.

**Glenn County, California, and Incorporated Areas  
Docket No.: FEMA-B-1056**

Butte Creek .....	Approximately 2,270 feet downstream of Aguas Frias Road. Just upstream of Aguas Frias Road .....	+105 +108	Unincorporated Areas of Glenn County.
Butte Creek (Outside of Levee)	Approximately 3,230 feet downstream of Aguas Frias Road. Just upstream of Aguas Frias Road .....	+97 +97	Unincorporated Areas of Glenn County.

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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**ADDRESSES**

**Unincorporated Areas of Glenn County**

Maps are available for inspection at 777 North Colusa Street, Willows, CA 95988.

**Perry County, Illinois, and Incorporated Areas  
Docket No.: FEMA-B-1060**

Beaucoup Creek .....	Approximately 200 feet upstream of railroad at the east end of Cedar Point Lane. Approximately 913 feet upstream of the confluence with Railroad Tributary.	+407  +416	Unincorporated Areas of Perry County.
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\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**Unincorporated Areas of Perry County**

Maps are available for inspection at the Perry County Courthouse, 1 Public Square, Pinckneyville, IL 62274.

**Schuyler County, Illinois, and Incorporated Areas  
Docket No.: FEMA-B-1053**

Illinois River .....	Approximately 0.4 mile downstream of the confluence with the La Moine River.  Approximately 2.55 miles upstream of the confluence with Elm Creek.	+450  +452	Unincorporated Areas of Schuyler County, Village of Browning.
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\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**Unincorporated Areas of Schuyler County**

Maps are available for inspection at the Schuyler County Highway Department, 121 Henninger Drive, Rushville, IL 62681.

**Village of Browning**

Maps are available for inspection at the Village Hall, 501 Main Street, Browning, IL 62624.

**St. Landry Parish, Louisiana, and Incorporated Areas  
Docket No.: FEMA-B-1040**

Bayou Belleview .....	Approximately 330 feet downstream of George Street .....	+68	Unincorporated Areas of St. Landry Parish.
Bayou Tesson .....	Approximately 125 feet upstream of Gulino Street .....	+70	City of Opelousas, Unincorporated Areas of St. Landry Parish.
	Approximately 450 feet upstream of Caddo Street .....	+68	
Flooding Effects of Unnamed Canal/Ditch.	Approximately 100 feet upstream of Park Street .....	+70	Town of Port Barre.
	Approximately 350 feet east of Palm Street .....	+25	
	Approximately 1,800 feet west of State Highway 741 and 25 feet north of U.S. Route 190.	+25	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Opelousas**

Maps are available for inspection at 318 North Court Street, Opelousas, LA 70570.

**Town of Port Barre**

Maps are available for inspection at 504 Saizan Avenue, Port Barre, LA 70577.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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**Unincorporated Areas of St. Landry Parish**

Maps are available for inspection at 308 West Bloch Street, Opelousas, LA 70571.

**Lincoln County, Nevada, and Incorporated Areas  
Docket Nos.: FEMA-B-1054 and FEMA-B-107**

Clover Creek .....	Approximately 280 feet upstream of the confluence with Meadow Valley Wash (Near Caliente).	+4,409	City of Caliente, Unincorporated Areas of Lincoln County.
	Approximately 2.4 miles upstream of the confluence with Meadow Valley Wash (Near Caliente).	+4,473	
Meadow Valley Wash (Near Caliente).	Approximately 0.73 mile downstream of Union Pacific Railroad.	#2	City of Caliente, Unincorporated Areas of Lincoln County.
	Approximately 0.73 mile downstream of Union Pacific Railroad.	+4,329	
	Approximately 1,540 feet downstream of Union Pacific Railroad.	#3	
Meadow Valley Wash (Near Ursine).	Approximately 674 feet upstream of U.S. Route 93 .....	+4,438	Unincorporated Areas of Lincoln County.
	Approximately 1.0 mile downstream of North Eagle Valley Road.	+5,543	
	Approximately 1,150 feet upstream of North Eagle Valley Road.	+5,607	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Caliente**

Maps are available for inspection at 100 Depot Avenue, Caliente, NV 89008.

**Unincorporated Areas of Lincoln County**

Maps are available for inspection at the Lincoln County Planning and Zoning Department, 181 Main Street, Suite 107, Pioche, NV 89043.

**Curry County, New Mexico, and Incorporated Areas  
Docket No.: FEMA-B-1021**

Northeast Drain .....	Approximately 5,276 feet downstream of Humphry Road ..	+4,216	City of Clovis, Unincorporated Areas of Curry County.
	At the confluence with West 2nd Street Drain .....	+4,217	
	Approximately 645 feet upstream of Schepps Boulevard ..	+4,225	Unincorporated Areas of Curry County.
Thomas Ditch 1 .....	Just upstream of Merlene Boulevard .....	+4,236	
	Approximately at Brady Avenue .....	+4,262	
	Approximately at Burlington Northern Santa Fe Railroad ..	+4,280	Unincorporated Areas of Curry County.
West Second Street Drain .....	At the confluence with Northeast Drain .....	+4,217	
	Approximately 268 feet upstream of Norris Road .....	+4,232	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Clovis**

Maps are available for inspection at 321 Connelly Street, Clovis, NM 88101.

**Unincorporated Areas of Curry County**

Maps are available for inspection at 321 Connelly Street, Clovis, NM 88101.

**San Juan County, New Mexico, and Incorporated Areas  
Docket No.: FEMA-B-1028**

Animas River .....	At the confluence with the San Juan River .....	+5,256	Unincorporated Areas of San Juan County.
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Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Bloomfield Canyon Creek .....	Approximately 1,200 feet downstream of Murray Drive/ U.S. Route 64. Approximately 2,232 feet upstream of East Broadway Avenue.	+5,267 +5,436	City of Bloomfield, Unincorporated Areas of San Juan County.
Bloomfield Canyon Creek Tributary.	At the confluence with Bloomfield Canyon Creek Tributary At the confluence with Bloomfield Canyon Creek .....	+5,545 +5,545	City of Bloomfield, Unincorporated Areas of San Juan County.
San Juan River .....	Approximately 2,366 feet upstream of Unnamed Dirt Road Bridge. Approximately 1,709 feet downstream of Bisti Highway ....	+5,737 +5,245	Unincorporated Areas of San Juan County.
	Approximately 9,367 feet upstream of the confluence with the Animas River.	+5,269	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Bloomfield**

Maps are available for inspection at 915 North 1st Street, Bloomfield, NM 87413.

**Unincorporated Areas of San Juan County**

Maps are available for inspection at 209 South Oliver Drive, Aztec, NM 87410.

**Ottawa County, Oklahoma, and Incorporated Areas  
Docket No.: FEMA-B-1049**

Belmont Run .....	Approximately 1,317 feet upstream of 30th Avenue .....	+803	City of Miami, Town of North Miami, Unincorporated Areas of Ottawa County.
Fairgrounds Branch .....	Approximately 1,288 feet upstream of Newman Road ..... Approximately 700 feet upstream of E Street .....	+805 +774	Unincorporated Areas of Ottawa County.
Neosho River .....	Approximately 0.58 mile upstream of E Street ..... Just upstream of E Street .....	+774 +775	Unincorporated Areas of Ottawa County.
Warren Branch .....	Approximately 0.93 mile upstream of State Highway 69 .... Approximately 434 feet upstream of Main Street .....	+776 +869	Town of Peoria, Unincorporated Areas of Ottawa County.
Wyandotte Ditch .....	Approximately 1,826 feet upstream of Modoe Street ..... Approximately 1,320 feet downstream of Main Street ..... Approximately 904 feet upstream of South 650 Road .....	+885 +757 +789	Town of Wyandotte.

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Miami**

Maps are available for inspection at the Civic Center, 129 5th Street Northwest, Miami, OK 74354.

**Town of North Miami**

Maps are available for inspection at the Ottawa County Courthouse, 102 East Central Avenue, Suite 202, Miami, OK 74354.

**Town of Peoria**

Maps are available for inspection at the Ottawa County Courthouse, 102 East Central Avenue, Suite 202, Miami, OK 74354.

**Town of Wyandotte**

Maps are available for inspection at City Hall, 14 North Main Street, Wyandotte, OK 74370.

**Unincorporated Areas of Ottawa County**

Maps are available for inspection at the County Courthouse, 102 East Central Avenue, Suite 202, Miami, OK 74354.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
<b>Teton County, Wyoming, and Incorporated Areas Docket No.: FEMA-B-7774</b>			
Flat Creek .....	Approximately 5,100 feet south of the intersection of Wilson Canyon Drive and U.S. Route 89. Approximately 1,350 feet downstream of High School Road.	*5,974 *6,107	Unincorporated Areas of Teton County.

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**Unincorporated Areas of Teton County**

Maps are available for inspection at the Teton County Administration Building, 200 South Willow Street, Jackson, WY 83001.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: July 19, 2010.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2010-18195 Filed 7-23-10; 8:45 am]

**BILLING CODE 9110-12-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 95**

[WT Docket No. 98-182; FCC 10-106]

**1998 Biennial Regulatory Review—Private Land Mobile Radio Services**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** In this document, the Commission denies the petition filed by the Personal Radio Steering Group (PRSG) regarding certain Multi-Use Radio Service (MURS) rules. In essence, the Commission finds that PRSG has not demonstrated that the changes it seeks are necessary and are in the public interest. Accordingly, there is no change to the CFR.

**DATES:** Effective July 26, 2010.

**FOR FURTHER INFORMATION CONTACT:** B.C. "Jay" Jackson, Jr., Mobility Division, Wireless Telecommunications Bureau, [jay.jackson@fcc.gov](mailto:jay.jackson@fcc.gov), 202-418-1309.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal

Communications Commission's *Memorandum Opinion and Order on Reconsideration* (MO&O on Recon.) in WT Docket No. 98-182, FCC 10-106, adopted on June 1, 2010, and released on June 7, 2010. Contemporaneous with this document, the Commission issues a *Notice of Proposed Rule Making* (published elsewhere in this publication). The complete text of this document may be downloaded from the FCC Web site (<http://www.fcc.gov>) at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-10-106A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-106A1.pdf). This document and all related Commission documents is also available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. A copy of the complete text may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Alternative formats are available to persons with disabilities by sending an e-mail to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or by calling the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

**Synopsis**

1. In the *Report and Order*, 15 FCCR 16673, 16688 para. 31 (2000), in WT Docket No. 98-182, the Federal Communications Commission ("Commission") reallocated five frequencies to the newly-created Multi-Use Radio Service (MURS), a two-way, short-distance, voice, data or image communication service for the personal or business activities of the general public. In response to petitions for

reconsideration, the Commission affirmed its decision to license MURS by rule, but adopted additional technical restrictions designed to address concerns expressed by grandfathered (*i.e.*, pre-MURS) users of the five frequencies. See *Memorandum Opinion and Order (MO&O)* at 67 FR 63279, October 11, 2002, in WT Docket No. 98-182. PRSG filed a petition for reconsideration of certain aspects of the *MO&O*. Specifically, PRSG requests that the Commission (1) reconsider prohibiting MURS radios from interconnecting with the public switched telephone network (PSTN); (2) require MURS radios to have automatic monitoring, a feature that prevents the radio from transmitting on a channel that is already in use; and (3) revisit the grandfathering privileges extended to pre-MURS business and industrial licensees that had facilities operating on the MURS frequencies.

2. *Interconnection.* The Commission prohibited interconnecting MURS transmitters with the PSTN. It concluded that such interconnection would be inappropriate for MURS because of the limited number of channels and the importance of spectrum sharing. PRSG supports the prohibition on interconnection, but asserts that the regulatory language adopted by the Commission is imprecise and antiquated. PRSG argues that the rule should address issues such as connecting to networks other than the PSTN. No commenting party supports PRSG's request. The Commission finds that the interconnection prohibition contained in 47 CFR 95.1313 is sufficiently clear, and that no changes are needed.