

have a significant economic impact on a substantial number of small entities as defined by that Act, because this final rule will not impose record-keeping requirements on them; it will not affect their competitive position in relation to large entities; and it will not affect their cash flow, liquidity, or ability to remain in the market.

#### *Federalism and Consultation and Coordination With Indian Tribal Governments*

The Department has considered this final rule under the requirements of E.O. 13132 on federalism. The Department has determined that this final rule conforms to the federalism principles set out in this E.O.; will not impose any compliance costs on the States; and will not have substantial direct effects on the States, on the relationship between the Federal Government and States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the Department has determined that no further determination of federalism implications is necessary at this time.

This final rule does not have tribal implications per E.O. 13175, Consultation and Coordination with Indian Tribal Governments. Therefore, advance consultation with tribes is not required in connection with the final rule.

#### *No Takings Implications*

The Department has analyzed the final rule in accordance with the principles and criteria in E.O. 12630 and has determined that his final rule will not pose the risk of a taking of private property.

#### *Civil Justice Reform*

The Department has reviewed this final rule under E.O. 12988 on civil justice reform. After adoption of this final rule, (1) all State and local laws and regulations that conflict with this final rule or that impedes its full implementation will be preempted; (2) no retroactive effect will be given to this final rule; and (3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

#### *Unfunded Mandates*

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Department has assessed the effects of this final rule on State, local, and tribal governments and the private sector. This final rule will not compel the expenditure of \$100 million or more by any State, local, or tribal government or anyone in the

private sector. Therefore, a statement under section 202 of the Act is not required.

#### *Energy Effects*

The Department has reviewed the final rule under E.O. 13211 of May 18, 2001, Actions Concerning Regulations That Significantly Affect Energy Supply. The Department has determined that this final rule does not constitute a significant energy action as defined in the E.O.

#### *Controlling Paperwork Burdens on the Public*

This final rule does not contain any record-keeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply to this final rule.

#### **List of Subjects in 36 CFR Part 261**

Law Enforcement, National Forests.

Therefore, for the reasons set forth in the preamble, the Forest Service is amending subpart A of part 261 of Title 36 of the Code of Federal Regulations, as follows:

#### **PART 261—PROHIBITIONS**

##### **Subpart A—General Prohibitions**

- 1. In § 261.16, revise paragraphs (j) and (k) to read as follows:

##### **§ 261.16 Developed recreation sites.**

\* \* \* \* \*

(j) Bringing in or possessing an animal, other than a service animal, unless it is crated, caged, or upon a leash not longer than six feet, or otherwise under physical restrictive control.

(k) Bringing in or possessing in a swimming area an animal, other than a service animal.

\* \* \* \* \*

Dated: September 15, 2011.

**Harris D. Sherman,**

*Under Secretary, NRE.*

[FR Doc. 2011–24231 Filed 9–20–11; 8:45 am]

**BILLING CODE 3410–11–P**

#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 300**

[EPA–HQ–SFUND–1983–0002; FRL–9467–9]

#### **National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the California Gulch Superfund Site**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 8 announces the deletion of the remaining portions of Operable Unit 9 (OU9), the Residential Populated Areas, of the California Gulch Superfund Site (Site), located in Lake County, Colorado, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This partial deletion pertains to the remaining portions of OU9. Operable units 1, 3, 4, 5, 6, 7, 11 and 12 will remain on the NPL and are not being considered for deletion as part of this action. The EPA and the State of Colorado, through the Colorado Department of Public Health and Environment, have determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, the deletion of these parcels does not preclude future actions under Superfund.

**DATES:** *Effective Date:* This action is effective September 21, 2011.

**ADDRESSES:** *Information Repositories:* EPA has established a docket for this action under Docket Identification No. EPA–HQ–SFUND–1983–0002. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the site information repositories.

Locations, contacts, phone numbers and viewing hours are:

U.S. EPA Region 8, Superfund Records Center, 1595 Wynkoop Street, Denver, CO 80202. (303) 312-6473 or toll free (800) 227-8917; Hours: 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays; and

Lake County Public Library, 1115 Harrison Avenue, Leadville, CO 80461. (719) 486-0569; Hours: Monday and Wednesday 10 a.m. to 8 p.m.; Tuesday & Thursday 10 a.m. to 5 p.m.; Friday & Saturday 1 p.m. to 5 p.m.; and

Timberline Campus Library of Colorado Mountain College, 901 U.S. Highway 24 South, Leadville, CO 80461. (719) 486-4250; Hours: Monday to Thursday 8 a.m. to 9 p.m.; Friday 8 a.m. to 5 p.m.; Saturday 12 p.m. to 5 p.m.; and Sunday 12 p.m. to 8 p.m.

**FOR FURTHER INFORMATION CONTACT:** Linda Kiefer, Remedial Project Manager, U.S. Environmental Protection Agency, Region 8, Mailcode EPR-SR, 1595 Wynkoop Street, Denver, CO 80202-1129, (303) 312-6689, e-mail: [kiefer.linda@epa.gov](mailto:kiefer.linda@epa.gov).

**SUPPLEMENTARY INFORMATION:** The portion of the site to be deleted from the NPL is: the remaining portions of OU9 of the California Gulch Superfund Site, located in Leadville, Lake County, Colorado. A Notice of Intent for Partial Deletion for this Site was published in the **Federal Register** on May 24, 2011 FR Doc No: 2011-12766.

The closing date for comments on the Notice of Intent for Partial Deletion was June 23, 2011. Three public comments were received: two requesting continuation of the voluntary investigation/remediation program and one recommending that, because OU12, Site-wide Water Quality, is not ready for deletion, OU9 should not be deleted. The deletion is still appropriate, because all appropriate response actions have been completed, and the operable unit is in operations and maintenance. The current operations and maintenance program, the Lake County Community Health Program Phase 2, provides opportunities for investigation and soil remediation, if the Program's Work Group determines that lead in residential soil is contributing to an elevated blood lead in a child or pregnant/nursing woman. Under current EPA policy for partial deletion, one operable unit or environmental medium can be deleted irrespective of the readiness for deletion of other operable units or the site as a whole. A responsiveness summary was prepared and placed in both the docket, EPA-HQ-SFUND-1983-002, on <http://www.regulations.gov>, and in the local repositories listed above.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion of a site from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL,

the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of portions of a site from the NPL does not affect responsible party liability, in the unlikely event that future conditions warrant further actions.

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 13, 2011.

**James B. Martin**,  
Regional Administrator, Region 8.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

**PART 300—[AMENDED]**

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR 1987 Comp., p. 193.

**Appendix B—[Amended]**

■ 2. Table 1 of Appendix B to part 300 is amended by revising the entry "CO, California Gulch, Leadville" to read as follows:

**Appendix B to Part 300—National Priorities List**

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes (a)
CO	California Gulch	Leadville	P

(a) A = Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be ≤ 28.50).  
P = Sites with partial deletion(s).

[FR Doc. 2011-24094 Filed 9-20-11; 8:45 am]  
BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 64**

[Docket ID FEMA-2011-0002; Internal Agency Docket No. FEMA-8197]

**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