

determined that the areas did in fact attain by the applicable attainment date, they are not subject to reclassification to serious by operation of law under CAA section 188(b)(2).

This does not mean that the Clean Air Act provides no means to address NAAQS violations in areas that had initially attained the standard by the applicable attainment date but then experience subsequent violations years after the applicable attainment date. For example, EPA could issue a "SIP call" under CAA section 110(k)(5) if EPA were to determine that the SIP is "substantially inadequate" to attain the PM₁₀ NAAQS in areas where violations of the PM₁₀ NAAQS occur after the applicable attainment date. Such SIP calls require the State to revise the SIP as necessary to correct the inadequacies. The SIP call, unlike reclassification, is capable of addressing and correcting the specific circumstances causing nonattainment sixteen years after the applicable attainment date. While EPA has no current plans to issue SIP calls for any of the three subject Arizona moderate PM₁₀ nonattainment areas, EPA is working with the State of Arizona to update the state's earlier-submitted, but not yet EPA-approved air quality plans. EPA intends to ensure that the plans meet all applicable requirements for moderate PM₁₀ nonattainment areas through both cooperative efforts with the State and through subsequent EPA rulemaking actions on the updated plans.

IV. Final Action

EPA has reviewed the comments that have been submitted, and concluded that none of them convince us to change our action as proposed on November 2, 2010 with respect to determinations of attainment as of the applicable attainment date. Thus, under section 188(b)(2) of the Clean Air Act, and based on sufficient, quality-assured data, we take final action to determine that the Hayden, Nogales, and Paul Spur/Douglas PM₁₀ nonattainment areas attained the 24-hour PM₁₀ NAAQS by the applicable attainment date, December 31, 1994. On the basis of this determination, EPA concludes that these three "moderate" nonattainment areas are not subject to reclassification to "serious" by operation of law.

V. Statutory and Executive Order Reviews

This action merely make determinations based on air quality data and does not impose any additional Federal requirements. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
 - Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
 - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
 - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
 - Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
 - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997); is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
 - Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
 - Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not impose substantial direct costs on tribal governments or preempt tribal law.
- 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 action 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 of the rule 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).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 14, 2011. Filing a petition for reconsideration by the Administrator of this final rule does 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. 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 81

Environmental protection, Air pollution control, National parks, Particulate matter, Wilderness areas.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: December 30, 2010.

Jared Blumenfeld,

Regional Administrator, EPA Region IX.

[FR Doc. 2011-221 Filed 1-10-11; 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: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064, or (e-mail) luis.rodriquez1@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:

PART 67—[AMENDED]

- 1. The authority citation for part 67 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.

§ 67.11 [Amended]

- 2. The tables published under the authority of § 67.11 are amended 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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**Unincorporated Areas of Poinsett County, Arkansas
Docket No.: FEMA-B-1083**

Arkansas	Unincorporated Areas of Poinsett County.	Left Hand Chute of Little River.	At the confluence with the St. Francis River.	+212
			Approximately 0.45 mile downstream of Leatherwood Lane.	+216
			Approximately 1.02 miles downstream of State Highway 140.	+220
	Unincorporated Areas of Poinsett County.	St. Francis River	Approximately 1,400 feet downstream of State Highway 140.	+223
			Approximately 0.73 mile downstream of U.S. Route 63.	+211
		At the confluence with Left Hand Chute of Little River.	+212	

* 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 Poinsett County

Maps are available for inspection at the Poinsett County Hall, Harrisburg, AR 72432.

**Village of Jewett, Illinois
Docket No.: FEMA-B-1085**

Illinois	Village of Jewett	Embarras River	Approximately 600 feet downstream of River Road extended.	+517
			Approximately 1,150 feet upstream of River Road extended.	+518

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

ADDRESSES

Village of Jewett

Maps are available for inspection at the Village Hall, 2 North 12th Avenue, Jewett, IL 62436.

**Unincorporated Areas of Muskogee County, Oklahoma
 Docket No.: FEMA-B-1021**

Oklahoma	Unincorporated Areas of Muskogee County.	Arkansas River	Approximately 1,371 feet downstream of State Highway 104.	+553
			Approximately 1,625 feet upstream of State Highway 104.	+554

* 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 Muskogee County

Maps are available for inspection at the Muskogee County Courthouse, 4517 Dennison Street, Muskogee, OK 74402.

**Unincorporated Areas of Bandera County, Texas
 Docket No.: FEMA-B-1066**

Texas	Unincorporated Areas of Bandera County.	Medina River (flooding effects from Bandera River).	Just downstream of State Highway 16	+215
			Just upstream of Harvey Ray Drive	+1,213

* 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 Bandera County

Maps are available for inspection at 502 11th Street, Bandera, TX 78003.

**Unincorporated Areas of Dawson County, Texas
 Docket No.: FEMA-B-1083**

Texas	Unincorporated Areas of Dawson County.	Sulphur Springs Draw	Just upstream of County Road L	+2,924
			Just downstream of U.S. Route 180	+2,950

* 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 Dawson County

Maps are available for inspection at 400 South 1st Street, Lamesa, TX 79331.

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
Fulton County, Illinois, and Incorporated Areas Docket No.: FEMA-B-1085			
Copperas Creek	Approximately 0.52 mile downstream of U.S. Route 24	+454	Unincorporated Areas of Fulton County, Village of Banner.
Illinois River	Approximately 0.51 mile upstream of U.S. Route 24	+454	Unincorporated Areas of Fulton County, Village of Banner, Village of Liverpool.
	Approximately 0.88 mile downstream of County Highway 9 extended.	+453	
	Approximately 1.09 miles upstream of Marsh Road extended.	+454	

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

ADDRESSES

Village of Banner

Maps are available for inspection at the Village Hall, 396 South Fulton Street, Banner, IL 61520.

Village of Liverpool

Maps are available for inspection at the Village Hall, 116 South State Street, Liverpool, IL 61543.

Unincorporated Areas of Fulton County

Maps are available for inspection at the Fulton County Supervisor's Office, 100 North Main Street, Lewiston, IL 61542.

Putnam County, Illinois, and Incorporated Areas Docket No.: FEMA-B-1085			
Illinois River	Approximately 0.83 mile downstream of the I-180 bridge	+462	Unincorporated Areas of Putnam County, Village of Hennepin.
	Approximately 1.93 miles upstream of the IL-89 bridge	+463	

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

ADDRESSES

Village of Hennepin

Maps are available for inspection at the Village Hall, 627 East High Street, Hennepin, IL 61327.

Unincorporated Areas of Putnam County

Maps are available for inspection at the Putnam County Courthouse, 120 North 4th Street, Hennepin, IL 61327.

Todd County, Minnesota, and Incorporated Areas Docket No.: FEMA-B-1064			
Long Prairie River	Approximately 15,140 feet downstream of U.S. Route 71	+1,284	City of Long Prairie, Unincorporated Areas of Todd County.
	Approximately 3,950 feet upstream of Riverside Drive (County Highway 56).	+1,293	

* 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 Long Prairie

Maps are available for inspection at 615 Lake Street South, Long Prairie, MN 56347.

Unincorporated Areas of Todd County

Maps are available for inspection at 215 1st Avenue South, Suite 201, Long Prairie, MN 56347.

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
Colorado County, Texas, and Incorporated Areas Docket No.: FEMA-B-1083			
Colorado River	Approximately 0.6 mile downstream of County Road 122 Just downstream of Burnham's Ferry Crossing	+139 +223	City of Columbus, City of Eagle Lake, Colorado County Water Control Improvement District No. 2, Unincorporated Areas of Colorado 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

City of Columbus
 Maps are available for inspection at 605 Spring Street, Columbus, TX 78934.
City of Eagle Lake
 Maps are available for inspection at 400 Spring Street, Columbus, TX 78934.
Colorado County Water Control Improvement District No. 2
 Maps are available for inspection at 400 Spring Street, Columbus, TX 78934.
Unincorporated Areas of Colorado County
 Maps are available for inspection at 400 Spring Street, Columbus, TX 78934.

Duval County, Texas, and Incorporated Areas
Docket No.: FEMA-B-1083

San Diego Creek	Just upstream of Ventura Street	+296	City of San Diego, Unincorporated Areas of Duval County.
	Just upstream of Julian Street	+304	

* 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 San Diego
 Maps are available for inspection at 404 South Meir Street, San Diego, TX 78384.
Unincorporated Areas of Duval County
 Maps are available for inspection at 400 East Gravis Avenue, San Diego, TX 78384.

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

Dated: December 30, 2010.

Sandra K. Knight,

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

[FR Doc. 2011-293 Filed 1-10-11; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0910131363-0087-02]

RIN 0648-XA129

Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2011 Bering Sea and Aleutian Islands Atka Mackerel Total Allowable Catch Amount

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason adjustment; request for comments.

SUMMARY: NMFS is adjusting the 2011 total allowable catch (TAC) amount for the Bering Sea and Aleutian Island management area (BSAI) Atka mackerel fishery. This action is necessary because NMFS has determined this TAC is incorrectly specified. This action will ensure the BSAI Atka mackerel TAC is the appropriate amount, based on the best available scientific information for Atka mackerel in the BSAI. This action is consistent with the goals and